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INDEX TO LETTERS.

PAGE.

BLADEN, THOMAS, TO CHARLES, LORD BALTIMORE, 92, 95, 97, 111

CALVERT, BENEDICT, TO SECRETARY CALVERT, - - - - 261

CALVERT, BENEDICT LEONARD, TO CHARLES, LORD BALTIMORE, - 68

CALVERT, CECILIUS, TO SAMUEL OGLE, - - - - - 124

CALVERT, CECILIUS, TO EDMOND JENNINGS, - - - 132, 163

CALVERT, CECILIUS, TO BENJAMIN TASKER, - - 140, 147, 162, 187

CALVERT, CECILIUS, TO REV. THOMAS BACON, - - - - 174

CALVERT, CECILIUS, TO EDWARD LLOYD, - - - - - 179

CALVERT, CECILIUS, TO DANIEL DULANY, - - - - - 192

CALVERT, CECILIUS, TO FREDERICK, LORD BALTIMORE,
199, 201, 206, 209, 213, 220, 221, 224

CALVERT, CECILIUS, TO HORATIO SHARPE, - - - 248, 259

CALVERT, CHARLES, LORD BALTIMORE, TO PHILEMON LLOYD, - 28

CALVERT, FREDERICK, LORD BALTIMORE, TO SAMUEL OGLE, - 124

CALVERT, FREDERICK, LORD BALTIMORE, TO REV. THOMAS BACON, 178

CALVERT, FREDERICK, LORD BALTIMORE, TO HORATIO SHARPE, 255

DULANY, DANIEL, TO CHARLES, LORD BALTIMORE,
101, 105, 107, 108, 116

DULANY, DANIEL (THE YOUNGER) TO SECRETARY CALVERT, - 227

HYDE, JOHN, TO HUGH HAMERSLEY, - - - - - - - 188

LLOYD, PHILEMON, TO CO-PARTNERS, - - - 1, 25, 29, 54

OGLE, SAMUEL, TO CHARLES, LORD BALTIMORE, - - 81, 88

SHARPE, JOHN, TO EDMOND JENNINGS, - - - - - 121

TASKER, BENJAMIN, TO CHARLES, LORD BALTIMORE, 100, 103, 110, 113

TASKER, BENJAMIN, TO JOHN BROWNING, - - 114, 117, 118

TASKER, BENJAMIN, TO SECRETARY CALVERT, - - - - 198

INDEX TO NAMES OF PERSONS.

Adams, Rev., 176.
Addison, Col., 53.
Amherst, Sir William, 205.

Bacon, Rev. Thomas, 174, 178, 232, 262.
Baker, Mr., 113.
Ballen, Mr., 247.
Baltimore, Lady, 175, 178.
Beake, Mr., 78, 79.
Beal, Mr., 110.
Bedoe, Mr., 91.
Belcher, Mr., 213.
Bennett, R., 40, 59, 60, 72, 181, 122.
Bevis, Dr., 209, 210, 216.
Birchfield, Mr., 42.
Blackiston, Sir M., 216.
Bladen, Thomas, 95, 103.
Blakiston, Capt., 95.
Bonmoetgie, M., 205.
Bordley, Mr., 50, 85, 102, 103, 112, 114, 231, 249.
Boughton, Mr., 211.
Bouquet, Col., 252.
Brerewood, Charlotte, 146.
Brerewood, Thomas, 146.
Brice, Mr., 247.
Brooke, Richard, 230.
Brooks, Dr., 158.
Brown, Mr., 25, 26.
Browning, John, 96, 145.
Browning, Louisa, 207.
Bryant, Richard, 180.
Budd, S., 186.
Burton, Capt., 54.
Bush, Mr., 202.
Bute, Earl of, 199.
Byron, Lord, 254.

Calvert, Benedict, 263.
Calvert, Benedict Leonard, Ld. Baltimore, 143.
Calvert, Benedict Leonard, Govr., 29, 81, 82.
Calvert, Caroline, 200, 204, 207, 208, 212, 216, 220, 226.
Calvert, Cecilius, Ld. Baltimore, 74.
Calvert, Cecilius, 29, 122, 162, 163, 178, 186, 200, 252.
Calvert, Charles, 3d. Ld. Baltimore, 56, 65, 74.
Calvert, Charles, 85.
Carroll, Charles, 39, 40, 60, 89.
Carroll, James, 60.
Carroll, Dr., 94.
Chadworth (Chaworth), Mr., 254.
Cheston, Daniel, 186.
Chew, Samuel, 90, 118, 189, 198.
Chitwind, Mr., 101.
Clark, Dr., 212.

Copson, Mr., 30, 32, 33.
Corbett, J., 150.
Crabb, Henry Wright, 186.
Crayley, Mrs., 212.
Cresap, Thomas, 108, 110.

Dallam, William, 186.
Dallinger, Mr., 213, 217.
Darnall, Henry, 40, 189.
Davison, Dr., 34, 36, 37, 43.
Deake, Thomas, 29.
D'Haussonville, Count, 205.
Digges, John, 90, 189.
Digges, William, 189.
Dulany, Daniel, 85, 94, 97, 100, 111.
Dulany, Daniel, (the younger) 187, 188, 192, 227, 247, 248.
Dulany, Walter, 249.

Fairfax, Thomas, Lord, 110.
Faudrier, Mr., 33.
Franklin, Benjamin, 231, 233, 234, 250, 254.
Frasier, Capt., 112, 118.
Friers, Baron, 213, 221, 224.

Gage, Gen., 252.
Gale, Col., 94, 97.
Geist, Christian, 33–38, 43, 44, 45.
Goldsborough, Charles, 183, 260.
Gordon, Gov., 90, 91.
Grassen, Benjamin, 150.
Grenville, George, 208.
Griffith, Mr., 33, 37, 43.
Grove, Silvanus, 186.

Hales, Mrs., 226.
Halifax, Earl of, 208, 252.
Hamersley, Hugh, 158, 187, 188, 192, 209.
Hammond, Mordecai, 189.
Hammond, Philip, 94.
Hammond, William, 189.
Hanbury, John, 115, 150, 186, 198, 207, 210, 213, 214, 222, 225.
Harford, Hester, 216, 217, 220, 222, 226.
Harris, Mr., 176, 209.
Harrison, Richard, 188.
Harrison, Samuel, 188.
Hart, Gov , 47, 75.
Heath, James, 41, 47–53.
Heron, Mr., 202.
Herrman, Augustine, 53.
Holdernesse, Earl of, 129, 160.
Holliday, Mr., 186, 247, 251.
Hooper, Mr., 260.
Hoxton, Capt., 88.
Hyde, John, 45, 78, 87, 151, 187, 188, 192.
Hyde, Samuel, 187, 188.

Janssen, Sir Abraham, 212, 217, 226.
Jennings, Edmond, 92, 93, 96, 100, 120, 121, 163.
Johnson, Sir William, 252.

Keith, Sir William, 27, 30, 39, 41, 53, 59.
Key, Mr., 247.

Langford, Mr., 225.
Larkin, Mr., 102.
Lawson, Mr., 91.
Lee, Mr., 111.
Lee, Sir George, 129, 160.
Letton, Capt., 42.
Lloyd, Philemon, 78, 79, 83, 96, 175, 178, 207.

Loe, Philip, 189.
Logan, James, 63, 67, 68, 108.
Logan, Sir William, 63.
Lowe, Henry, 30, 37, 43, 47, 49, 78.
Lowe, Nicholas, 150.
Lyon, Mr., 202, 204, 211, 222, 223.
Lytelton, Sir Richard, 212.

Mackall, Col., 83.
Macnamara, Mr., 30, 91.
McCurley, Mr., 110.
Mann, Capt., 33, 38, 42.
Mason and Dixon, 209, 249.
Mudge, Mr., 115.
Murphy, Capt., 45.
Myer, Bartholomew, 157, 172.

Northey, Sir Edward, 89.

Ogle, Samuel, 92, 94, 97, 100, 156.
Onslow, Speaker, 123, 129, 130.

Paris, Mr., 139.
Penn, Richard and Thomas, 27, 84, 88, 98, 101, 102, 127, 128, 134, 136, 139, 159, 165, 166, 209, 210, 212, 223, 225, 241.
Penn, William, 133, 134.
Plater, Mr., 115.
Pratt, Chief Justice, 202.
Prince William Henry, 199.
Proby, Mr., 212.
Proudfoot, Mr., 211.
Provost, Mr., 222.
Pye, Mr., 158.

Rawlinson, Mr., 86.
Riddlyden, V., 33, 34, 36, 37, 43, 44.
Roach, Mr., 25, 26, 27.
Rocliff, Mr., 110.
Ross, Mr., 85, 94, 181, 227.
Rousby, Mr., 91, 96, 111.
Russell, Capt., 68.
Ryder, Sir Dudley, 236, 237.

Sewall, Mr., 114.
Seymour, Governor, 74.
Sharpe, Dr., 217.
Sharpe, Horatio, 227, 228, 258, 260.
Sharpe, John, 121, 139, 158, 171, 172.
Sing, Mr., 25, 26, 27.
Snowden, F., and R., 157, 161, 172.
Spencer, Capt., 42, 59.
Stanhope, Sir William, 212.
Steel, Capt., 162.
Steuart, George, 181, 260.
Stone, Mr., 99.

Talbot, George, 60, 61, 66, 198.
Tasker, Benjamin, 100, 103, 162, 168, 170, 171, 172, 181, 187, 188, 249.
Ternay, Mr., 205.
Thomas, Mr., 148.
Thomas, Philip, 151, 182, 189.
Thomas, William, 151.
Thompson, Mrs., 34, 36, 43.
Tilghman, Col., 53, 182, 185, 247, 248.
Treby, Sir George, 236, 237.

Vanbebber, Mr., 53.
Vanburkloo, Capt., 198.

Wall, Capt., 92.
Warde, M., L., 37, 38, 44, 45, 46, 86, 184.
Watson, Henry, 189.
Wilkes, John, 219, 254.
Wolstenholme, Dr., 157, 172.

PREFACE.

This, the second volume of the Calvert Papers, contains selections from the correspondence in the years 1719–1765. The parties to this correspondence are:

Charles Calvert, fifth Lord Baltimore and fourth Proprietary. Died, 1751.

Frederick Calvert, sixth Lord and fifth Proprietary. Died, 1771.

Cecilius Calvert, brother of Charles, fifth Lord; acted for his nephew, Frederick, as Secretary for Maryland, and apparently as general factotum. Some of the letters from him are originals, and others are copies made by his clerk and headed with an abstract of the contents.

Benedict Leonard Calvert, brother of Charles, fifth Lord. He was Governor of the Province in 1726, and died 1732.

Benedict Calvert, of Mt. Airy, a son of Charles, fifth Lord. He was Collector of Customs for the Patuxent district.

Caroline Calvert (frequently mentioned in the correspondence) was sister to Frederick. She married Governor Robert Eden.

Philemon Lloyd, of Talbot Co. Born, 1672; died, 1732. He was Councillor, Secretary of the Province, 1706; Judge of Land Office, 1716.

Edward Lloyd, of Talbot Co., Councillor and Receiver General for the Proprietary. Died, 1776.

Samuel Ogle, of Anne Arundel Co., Governor in 1732 and 1746. Died, 1753.

Daniel Dulany, of Anne Arundel Co., Councillor and Judge of Prerogative Court. Died, 1753.

Daniel Dulany (the younger) was Councillor and Commissary General. Died, 1797.

Benjamin Tasker, of Anne Arundel Co., Baltimore's Agent and Receiver General, President of Council, 1744, and acting Governor, June 9–October 3, 1753. Died, 1768.

Thomas Bladen, of Anne Arundel Co., Governor, 1742; resigned, 1746.

Edmond Jennings, Councillor and Judge of the Land Office. Left the Province in 1753.

Horatio Sharpe, Governor from 1753 to 1768.

John Sharpe, brother of the Governor, and one of the guardians of Frederick during his minority. The other guardian was Speaker Onslow.

John Browning, brother-in-law to Frederick, having married his sister, Louisa Calvert.

Rev. Thomas Bacon, rector of St. Peter's Parish, Talbot County, and afterwards of Frederick County. Edited the first complete collection of Maryland laws.

Facing page 135 will be found a facsimile of the fraudulent map prepared as evidence in the dispute between Baltimore and the Penns to determine the boundary. An agreement having been reached that the southern boundary of Delaware (originally included in the Maryland charter) should be the latitude of Cape Henlopen, the Penns had a map prepared in which the name of Cape Henlopen was placed more than twenty miles south of its real position as given on Herrman's map and all the maps before and since. Primitive as this device

was, it was successful. The court of chancery accepted the map, and the line was run as the Penns wished it, after which Cape Henlopen returned to its original position. Our copy is taken from a careful pen-drawing on parchment. With it are two impressions from the engraved copy, one of which bears this indorsement:

Philadelphia, 20th Octr 1740

Between John Penn, Thomas Penn, and Richd Penn Esqs Complts and Charles Calvert, Esqr Lord Baltimore in the Kingdom of Ireland, Deft } In Chancery

The within Map or Exhibit marked No. A was shown to Joseph Wood, Wm. Peterson, Thos James, John Rambo, Elizabeth Morris, Saml Hollingsworth, John Musgrave, John Teague, and Samuel Preston on their Exāicon as witnesses on the part of the Defendt at the Execution of a Comicon for Examining Witnesses in this Cause in Pennsylva & the three lower Countys &c.

Witness our hands

Levin Gale	Clem. Plumsted
B. Young	John Kinsey
Th. Jones	Samuel Chew
Jas. Sterling	

No A
Exhibit

For purposes of comparison, we have added a facsimile of part of Herrman's map of 1673.

The frontispiece to this volume is a facsimile of the armorial bearings of Sir George Calvert, as affixed to the exempli-

fications of arms issued to him by Richard St. George, Norroy King of Arms, December 3, 1622, which was printed in full in the first volume of these papers. In his heraldic phrase, it is "paley of six pieces, or and sables, a bend counterchanged," and for a crest, "the upper parts of two half lances, or, with bandrolls thereto appending, the one or, the other sables, standing in a ducal crown, or." The leopards which appear as supporters to the arms of the Lords Baltimore, are absent, as supporters do not pertain to the arms of any but peers.

Breaks in the text show where the manuscript is torn or illegible. The bracketed heads to the letters have been supplied by the editor.

W. H. B.

THE CALVERT PAPERS.

PHILEMON LLOYD TO THE CO-PARTNERS.

[Defects in the Land Laws.]

July 18th 1719

Gent

Our Land Law haveing of late been the Occation of numerous Debates, pro & Con, as Peoples Interests, or their Inclinations Provoked them to declare agt it, or to recomend the Usefullness of an Act the Consequences whereof very few, Even the most Conversant about it, as yet Understand. The Act is indeed of a very Extraordinary Nature; & Seems Calculated for the Subversion of English Liberty, rather than a Protection to the Poor Inhabitants of this Province, agt their more Potent & Litigious Adversaries, as is Pretended; & therefore well deserves my Strickest Observacons, had I not been Engaged therein by Impulces of a higher Nature than Mere Curiosity, Such as my Duty to my Ld Propry, & my Love to my Countrey, the Interests whereof are Mutually Concerned in the Continuance of this Act, wch as it now stands & upon any Other Scheme drawn from the same Projection, is and will be an Infringemt on his Ldpps Property by disposeing of his Lands, wthout his knowledge or Consent; nay Even Contrary

to his Will, & by being a great Obstruction to the Receiveing his Rents & makeing up his Rent Rolls; & lastly by being Ruinous & destructive of the Comon Right of his L^{d}pps Poor Tenants wthin this Province; whose Unhappy Circumstances under the Managem^{t} of this Law are such, th^{t} if his L^{d}pp had but a true sence thereof, he would want no Other Inducem^{t} to the Repeal of the Act than a tender Regard to the well being his Province; w^{ch} his L^{d}pp hath allways declared himself to Have so much at Heart. But of these things in their Proper place, after the Design of the Act: & the means of bringing about that Design, as now Prescribed by it, are Sett in A True Light, whereby the Evills above Recited, will Appear to be the necessary Consequences of such a Law.

The Design of the Act, as is set forth in the Preamble therof, Respects Severall Circumstances of the Inhabitants of this Province: first it hath Regard to, & Provides A Remedy for the more Exact Settling the bounds of all such Antient Surveys as have been darkly & Unskillfully Exprest; either thro' Ignorance or Inadvertency of the Surveyors.

Secondly the Act is designed to Prevent the Vast & Additionall Charges Accrueing to the Inhabitants of this Province, by Tryalls by Juries in the Provinciall Court, & the Comon & frequent Appeals to the Superiour Courts.

The third thing Provided ag^{t} by the Act, is th^{t} by Preventing the Poorer Sort of Poeple, from putting themselves to such Vast Additionall Charges, they may no longer lay under the Necesity, of giveing up their just Rights to their more Potent & Letigious Adversaries, rather than Suffer the loss of Time, ffateague & Expence, of a long journey, & a Longer & More Teadious Attendance.

Now How farr this Law in the Reason & Practice thereof, hath or will Answer the Ends Proposed, is the Subject of this

p[r]sent Enquirey; but before I enter upon th[t] part of the Act, w[ch] Relates only to the Inhabitants of this Province: & to Other persons holding Lands therein, I think it my Duty in the first place, to touch upon such Branches of itt, as Affect the L[d] Propr̄y, both in his Prerogative, & his Property, & Shall then Proceed to make it appear, th[t] the Method lay'd down by the Act for Settling & Adjusting the Bounds of Land, is a Meer mixture of Ignorance, and design blended togather, & no ways Proportioned to the Attainm[t] of the Ends intended; but that instead of Releiving the Poor Poeple, it is an Oppression to them, & instead of Secureing their Estates by a More Gentle & Equall Judicature than th[t] of the Comon Law, the birth Right of Every Englishman is thereby taken from him; & lastly th[t] instead of Protecting the Poor, ag[t] their More Potent & Litigious Adversaries, they are by this Act given up A Sacrifice to the Intreagues & Managem[t] of Poeple of ffortune; being now destitute of their greatest Security, w[ch] was in being judged by their Peers; all w[ch] I shall Evidently Make Appear in its Proper place.

As I take itt, the L[d] Propr̄y hath not only a Property in the Soyle of this Province, but is allso Invested w[th] a Right to Dispose of th[t] Soyl According to his own Pleasure, w[ch] Pleasure his Noble Ancestors have Signified in their Conditions of Plantac̄ons, long since Published; & are now the Standing Rules for granting Land, w[th]in this Province; but by the Terms of the p[r]sent Act of Assembly the Com[rs] are Empowered to lay out his L[d]pps Land w[th]out his knowledge or Warr[t] & Ag[t] his Will declared in Patents granted unto Sundry of his Tenants.

But to make this thing Obvious to Gen[t] th[t] must needs be Strangers to the Practice of Land Affaires here, & to shew how little regard the Land Com[rs] have to his L[d]pps Grants, when

they fall in their way, I will Cite a Case th^{t} was brought upon A Complaint Exhibited Unto his L^{d}pps Govern^{t} & Councill. The Reason of the Complaint was this: the Land Com^{rs} of Baltemore Co^{ty}, persueant to the Direction of the Land Law, were Called upon a Tract of Land, in Order to lay it out according to the Antient Meets & bounds thereof, & the s^{d} Com^{rs} whether thro' Ignorance, or design of favour to the Party whose Land they were Called upon, & to give the Man his Compliment of Land, as they call itt, for his tract was dificient in quantity Ran two of the Lines wthout any Rule or Reason, & Contrary to the Express Letter of Grant, into another Tract Contiguous, & granted to another person since the takeing up of the first tract w^{ch} the s^{d} Com^{rs} were called upon as may be seen in Case N^{o} 1; & by this Means, & by Vertue of this Law, they took away one Mans Property long Since granted by his L^{d}pp, to make good the Deficiency in Anothers, w^{ch} hapned by the unskillfullness of the Surveyor. The ffact Appearing thus upon the Complaint an Order was Sent down to call those Com^{rs} before the next Councill; the Com^{rs} Appeared at the Time, w^{ch} hapned to be dureing the Sessions 1718. They there Avowed the fact & stood upon their Justification, & were repremanded for the Unjustice of their Proceeding; but the Complain^{t} had no Redress, for the Governm^{t} hath no Power to carry the thing any farther, alltho the Proceedings were Contrary to the Received Rules, & known Practice of all Surveyors, time out of Mind. The Com^{rs} by the Act are Arbitrary, & wthout Limitac$\bar{o}$n, as themselves have boasted when Charged wth Irregular Proceedings.

Butt to make this Matter more illigable yet; it may not be Amis to say Something of the Reason & power of Lines, as they Applicable in our Surveys; w^{ch} may serve for an illustrac$\bar{o}$n of the farmer Case, as well as to give You a Generall

Idea of our Surveys here. It hath been always Ruled in ffavour of the Tenant; th^t^ if the Survey can be Adjusted According to the Antient Meets & boundaris expressed in the Cert; the Lines tho' differeing in Course should be Extended unto such Meets or Boundarys, whither River, Creek, tree or any other known Point. From hence commonly Arises the Land called Surplus Land; alltho' Sometimes those old & Irregular Surveys Prove deficient in Quantity, as in the p^r^sent Case, the Persueing the Course of the River, w^ch^ is allways A Rule in such Cases; whither it Produce Surplussage, or Occation A Defeciency, & is the Reason th^t^ the back lines will not Contain the Quantity of Land expressed in the Patent as in Case N: 1; for where the Lines are regulated by Course & distance w^th^out the Mention of Any Certain Boundary to Run unto, there & in all such Cases the Course & distance hath allways been the Reed Rule to walk by, & was the Very thing Complained of to the Councill & unheard of untill the Land Com^rs^ by Vertue of this Act, brought that and what ever else they Pleased, into Practice. In fine the Reason of Course & distance, is so Certain & hath been so well Approved of, th^t^ his L^d^pps Grandfather; was Advised to it; & is now practiced by all the Surveyors of the Province, as the only Means to prevent wrongs being don unto his L^d^pp in the takeing up of Lands. Yet the said Baltemore Com^rs^ protected by the s^d^ Act did Publickly Avow the Depriveing another of his L^d^pps Tenants of their Lands, & Justifyed themselves in soe doeing.

Thus it Evidently Appears th^t^ his L^d^pps Prerogative in granting his Lands, is wrested from him in Some Cases (I know many more of the like Kind) by Vertue of the Act, & there is no Question to be made, if any Vacant Land (not as yet granted) should lye Contiguous to any tract, w^ch^ the Com^rs^ are Asserting the Bounds of, but they would as soon or sooner

Alter a Course for Includeing such Land. But further his L^{d}pps Property is given up in three Considerable Points of the Revenue, (th^{t} is) in his granting Rights to his Lands: in his Receiveing Rents for his Lands: & lastly in his Right to all Surplus Land; besides the Great Difficultys and Uncertaintys in makeing up his rent Rolls; w^{ch} must Necessarily be Subjected to all such Alteracons, as the Land Com^{rs} shall think good to make in Poeples Land, & yet no Provision is made in the Act for the giveing any Notice thereof unto his L^{d}pps Officers.

The first Point relateing to his L^{d}pps dues on granting Warr^{ts} for Land, is thus given up by the Com^{rs} as in the second Case lay'd down; whereby it Appears th^{t} C: & D: were supposed to hold 500 A^{rs} a Peice in one Neck untill the Land Com^{rs} haveing Awarded & decreed 700-A^{rs} of the s^{d} Neck to belong unto C: there will follow a Deficiency of 200-A^{rs} in the Tract of D: whereupon D: throws up his Patent of 500 A^{rs} & takes out a New One for the Remaining 300-A^{rs} & demands New Rights for the Residue of his former Patent being 200 A^{rs}; but as to C: he takes no Care of the L^{d} Propr$\overline{\text{y}}$, but holds the other 200 A^{rs} as Surplussage, tho' my L^{d} According to the rule of the Office be Oblidged to Grant 200-A^{rs} of Rights to D: wthout Satisfaction for the Same.

The 2nd Point as to the Rents, is likewise proved from the same Case to be given up by the Act, for alltho' D supposeing he had a Right unto 500 A^{rs} paid Rent for so much, yet as soon as C: Recovered by the Award or Decree of the Land Com^{rs} 200 A^{rs} out of his Tract, he haveing thrown up his old Patent, & Obtained a New grant for 300-A^{rs} only; is Oblidged to pay Rent for no More than 300 A^{rs}, nor will C pay Rent for any More than 500-A^{rs} being the Quantity of Acres in his Patent, but will hold the 200 As Surplussage. By this Means

his L^{d}pp & his Posterity will loose the Rent in this Particular Case & in abundance of Other in like Nature, of 200 A^{rs}, Unless C. by some Means or Other Can be Oblidged to pay Rents for the 200-A^{rs} Surplusage taken from D.

This Naturally leads me to the 3^{d} Point wherein his L^{d}pps Property is impaired by this Land Law, in Relac$\overline{\text{o}}$n to Surplus Land; for if the bounds of any of the Antient Tracts of Land be Settled by these Land Com^{rs} upon A Law Enacted by his L^{d}pps Authority, by w^{ch} the bounds so Ascertained & Entered upon Record are declared to be & Remaine the Certain & Undoubted bounds of the s^{d} Land for Ever, it seems a Question wth me if Such a Proceeding, upon such an Act, will not be a perpetuall Barr unto his L^{d}pps future claime of any Surplus Land wthin this Province.

In fine itt will be certaine Ruine to Many of his L^{d}pps Tenants, in whose prosperity, I take his L^{d}pp to be very Much Interested, for by dispossessing of English Subjects of their ffreehold wthout the Judgm^{t} of 12 of their Peers, the Refuseing of Councill to plead for poor Ignorant Persons, when their Inheritance, their all is at stake; & lastly by Assessing Costs & damages, Arbitrarily upon his Ma^{tys} Subjects, it seems as if a Torrent were broke in upon our English Constitution, w^{ch} if not timely Opposed, will bear down before it th^{t} happy Security w^{ch} our Ancestors by their blood & Unwearied Endeavours have Conveyed down to Posterity. Nay to Speak freely of proceedings transacted by Vertue of this Law; I think they savour much more of the Orders of a Turkish Divan, than of Decrees made by English Com^{rs}.

Haveing Now finished so much of my Observac$\overline{\text{o}}$ns on our Land Law, as doth most nearly Affect my L^{d} Baltemores Property & Prerogatives wthin this Province, it may now be Reasonably Expected I should make itt Appear as I have

allready Promised, thᵗ the Method laid down in the Act, is insufficient to the Attainmᵗ of the three great ends designed by it, wᵗʰ Relation to the Poeple; wᶜʰ I take to be; first, the Settling & Adjusting the Bounds of their Lands, upon a more sure & Equitable ffoundacōn then hath been Practiced heretofore: Secondly thᵗ it may be done at less Expence; & lastly wᵗʰ less hazzard & Resque to poor Poeple; of giveing up their Just Rights to their More Potent Adversaries. Of these heads I Shall Treat of Severally in the following Papers.

And first of the Settling & Adjusting the Irregular bounds of Land, where the Courses & distances have little or no Correspondency wᵗʰ the Severall Boundaries they are said to relate unto. Herein indeed lyes all the Difficulty, for it is the dark & Unskillfull Manner of Expressing the boundaries by the Surveyor, thᵗ Renders Old Surveys so dark & Obscure. So thᵗ a judge Properly qualifyed to determine of any Survey so circumstanciated, Ought in the first place to be a Man of Integrity; to have some Tolerable knowledge in the Art of Surveying; to be well Experienced in the nature of the Antient Surveys of this Province; to have a Penetrateing ffaculty & a descerning Judgmᵗ; So thᵗ when the Sundry Incidents Cōmon to Antient Surveys, such as the time of laying out the Land, who the Surveyor was, his Manner of Expressing himself in Other Surveys, the Scituation of all Naturall & Artificiall Boundarys, the Manner of other Tracts joyning upon it, & lastly when all these togather wᵗʰ Evidence Viva Voce or Traditionall, come to be put into the Ballance togather, he may then be able by the force of Reason, & Comparison of those Incidents wᵗʰ one Another, to form a Proper Judgment agreeable to the Design of the Originall Survey.

But here I ffind an Objection will be brought agᵗ me if such Qualifications are Necessarily required in Every Judge of the

Bounds of Land; how few will there be found th^{t} are so well Provided? I Acknowledge the Matter of ffact, & do farther Affirm th^{t} this one Objection only hath more of weight in it for repealing the Law, than all the Arguments th^{t} can be brought for the Continuance of itt, when putt into the Scale togather. It is indeed a very difficult thing to Provide our-Selves wth any N^{o} of meu fitly qualifyed to Judge of Antient Surveys, & such as are Able to distinguish well upon the design of the first taker up of the Land; from the Many Subtle Contrivances, too much Practiced of Late, in Makeing Away & Concealing the Antient Bounders, in Order to Justify New Pretentions upon some p^{t} of such Antient Survey. You shall hear Nothing so frequent from the Mouths of our p^{r}sent Land Com^{rs} as th^{t} this Method of runing the Lines is most Agreable to the Design of the first taker up. Nay but, Says another of the same Comission, that cannott be the Way; for thus the Lines ought to Run; when it may be neither of them can Say or Conceive any thing Pertinent to the matter. So th^{t} in my Opinion the Hazzard of Heads & tailes, the Com̄on Resque of our Puerile Interests, is a Much more Equal Judicature, than this by the Land Com^{rs} where Prejudice or Prejudgm^{t} are too often seen to Prevaile; whereas in the other Way the Indifferent Decissions of Chance puts Each party upon the Level. This Difficulty I Say in Provideing Men Sufficiently qualified for makeing a true Judgm^{t} of Irregular & ill Exprest Surveys is an Unanswerable Objection ag^{t} the Administration of Land Affaires, under the Present Law; for if it be so a hard Matter to find out 8 or 10 Persons in the whole Province th^{t} are fitly qualifyed to judge of land Affaires, how Preposterous & Absurd a thing is it then in Our Legislature, to make an Appointm^{t} of one hundred & Eight Persons for th^{t} End. as if knowledge Conjested in Numbers, or that

Aggregate bodys of Ignorant & Unskillfull men, could Contribute each his part, to the forming one Wise & Juditious person.

But it may be said Again th^t among so great a N^o. of Com^rs there must needs be some Judicious & Understanding Men Appointed in every Co^ty. There is no doubt of it, but that there are severall such in the P^rsent Appointm^t; but I fear the distribution of them According to the Co^ty where they Live, is very Unequal & th^t Some Co^tys are wholy destitute. This Opens out A Malancholy Scene, of the Unhappy Circumstances of such Poor Poeple, who are doomed by a Law to fall into the hands of Ignorant, if not Prejudiced or Militious Judges, tho' Possibly the best choice in the Co^ty, ag^t whose Judgm^t the Act Allows no Releif. There is no place of Refuge, no Dernier Resort, for A Poor Man to flye Unto in Case of a Mistaken or designed Injury don him; but Notwithstanding this be a Malancholy Storey, the Law Oblidges poeple to Submitt to such hard Terms. I can Affirm it to be a Positive & known truth, th^t some Co^tys are so divided into Party, & where it is otherwise, some Com^rs so Prejudiced ag^t one another th^t Partiality & Prejudice have been the moveing influences to Judgements given in Cases of Meum & tuum; nor can we expect any better from the same Persons when Lands are in dispute in Many Co^tys for want of more Capable & less Prejudiced Persons; but I do not therefore think th^t such Persons are the only Proper Judges to determine on the Right of ffreeholds. This charge would seem very Uncharitable were it not for the frequent Acco^tts wee have of the Many Extravagantly & Irregular Decrees, to say no worse of them, in allmost every Co^ty where the Indirect Practices of the Com^rs gives the Poeple but to frequent Occation of Chargeing them w^th partiality.

There cannott be a greater Evidence of the Partiality or Ignorance of the Co^{ty} Land Com^{rs} than th^{t} of the Severall Appeals to the Com^{rs} of Review. Under the former Act, the Appellant allways recovered; one Case only Excepted, wherein the former Sentence was confirmed. Such Contradictory Judgments became a Reproach to them among the Poeple, who did not spare their Censures on one or the other Bench as their Interests or Inclination Prevailed; for Preventing of w^{ch} Evil our Legislators, being most of them Concerned in the Land Comission, Re-enacted the former Law, & by takeing away from the Poeple their Rights of Appeale, they united the 2 clashing Comissions & Erected one Sole Judicatory for the dispatch of all Land Affaires & at the same Time secured to themselves the Reputation of acting upon Principles of Justice, by allowing of no other forum to re-examine the Proceeding.

But what need is there of Private Evidences; what Occation of Citeing particular Casses seeing th^{t} the whole Legislature in the body of the Act have Acknowledged the weakness & Insufficiency, Nay the Unjustice of this Sort of Judicature, wherein granting the Peticons of Severall Persons, who prayed to be Relieved ag^{t} the unjust Awards, Decrees & Determinacons of the former land Com^{rs} the s^{d} Pet^{rs} were Releived by this P^{r}sent Act, & were put in Statu Quo for another hearing by the New Com^{rs} If this be not full Evidence ag^{t} the Ignorance & Injustice of these Land Com^{rs}, we must ene give up our Understanding, & tacitely Acquiesce in whatsoever our Legislators shall think fitt to Ordaine.

Some Persons may say th^{t} those Pet^{rs} had a Right by the former Law to an Appeale before the Com^{rs} of Review, & th^{t} this P^{r}sent Act only translated th^{t} Right to the determination of the present Land Com^{rs}. All this I grant, & Comend the Gen^{ts} forwardness in releiving any Persons ag^{t} the former

Com^{rs} unjust Decrees. What I blame them in, is the Reenacting the same Sort of Judicature, w^{ch} themselves Confess to have been grevious to the Subject who had been so farr Injured by it as to stand in need of an Act to relieve ag^{t} former Unjust Awards Decrees & Determinac$\overline{\text{o}}$ns. The Suffering Poeple were indeed releived ag^{t} the unjust determinac$\overline{\text{o}}$ns of the first Land Com^{rs}; but why is all Remedy taken away for the future, ag^{t} any Unjust or Mistaken Decree or Award? There is no place of Refuge asigned for poor Poeple to fly to for Succour. So th^{t} I must Conclude th^{t} whatever Designes the Burgesses may have had in View, yet Certainly it must be allowed th^{t} there was a great deal of folly in Acknowledging that the Poeple had been very much greived by the Awards & Decrees of the former Land Com^{rs}.

This I take to be A full Charge brought & Consented to in Assembly, ag^{t} the Unjustice of our Present Proceedings upon the Land Affaires. That those Land Comiss^{rs} have given Unjust decrees & Determinations, & th^{t} the Poeple have been much agreived thereby, appears in the Body of the P^{r}sent Act. It appears allso, how great a Benifit it was to those Suffereing Poeple th^{t} they had a Right of Appeale before the Com^{rs} of Review; for upon this considerac$\overline{\text{o}}$n only it was th^{t} they were put into a Capacity by this Act of being relieved ag^{t} such Unjust Decrees & Determinac$\overline{\text{o}}$ns of the former Comissioners. How Monstrously Absurd is it then? how Unbecomeing the Wisdom of the Legislature of a Countrey, to deprive the Poeple, by a Pub. Act, of those Comon Rights & Benefits w^{ch} they by the Act itself are Acknowledged to Stand in Need of? If our p^{r}sent Law makers saw the Necesity of Releiveing Poeple ag^{t} the unjust decrees of the former Land Com^{rs}, what just grounds could they Proceed upon in takeing away the Right of Appeals from the Unjust Decrees of the present Com^{rs}? Are these

p^rsent Com^rs more Wise, more Sagacious, & knowing in Land Affaires; are they men of more Exalted Capacitys, of more penetrateing & discerning ffaculties, than the former Land Com^rs? Who are they then? Indeed for the most part the very same men th^t acted under the former Laws; the same who were concerned in giveing those Decrees & Sentences w^ch by this Act are said to be very greivious. How barberous then, is such an Indifinite Sanction to the Opinions of those Men who have allready Passed Decrees th^t are Confessed to be greivious & Oppressive to the Poeple? For no Law can Alter the Men: the same ffaculties, Passions, Prejudices, & inclinations will still Subsist in them. Nay what is more, they do not lye under the same Restraint. The fear of being exposed before a Superiour Judicatory, was some Check ag^t barefaced & Unjust Proceedings. They are now left at libitum: the Law is their Power; & their Will is their Rule.

If therefore the former Land Com^rs did things th^t were grevious to the Poeple; may not the p^rsent Land Com^rs do the same? for Still the Rule is humanum Est Errare. Men are Men; & Subject to the same Errors & Mistakes, Among w^ch Avarice & Ambition are leading Vices. A Tinture whereof, I Conceive, hath had the greatest Influence in the Modelling our p^rsent Act, w^ch at once Establishes the Authority, & Covers the Ignorance of our Co^ty Gentlemen.

Nay further, th^t w^ch still moves my Admiracon the more is, th^t the Legislature, not Contented w^th the Releif that had been Administred unto such Persons as had allready made their Aggrievances appear before them, but as if they had allso foreseen, th^t Many Other Persons had likewise been injured by them, a Provision is made in the Act, for their Releif allso, th^t they might have the Benifitt of another hearing. Thus it is Manifest that they well foresaw the necessity of A Review,

or Rehearing upon the Erronious Decrees of Land Com^{rs}, yet denyed the Poeple th^{t} peice of Comon Justice, rather than Suffer their own Capacity, Justice or Integrity to be called in Question under the New Act.

In fine I cannott Agree any Sort of Judicature to be Equal where the Judges are so lyable to be tampered wth & Corrupted, as are those Co^{ty} Land Com^{rs}, for these 2 fol. Reasons w^{ch} Relates Personally to the Com^{rs} themselves, & are a part only of a much Greater Number Propounded before the Passing the first Law. As to the Second w^{ch} is now in being, I said no more of it, than th^{t} it was worse & worse; both Houses being with one Voice ag^{t} me.

My first Reason is that the more Active & busie Persons in the Co^{tys}, Endeavour to Keep up a very Popular Correspondency wth the Poeple. By this means they are Choose Burgesses, & for that very Reason oftentimes made Co^{ty} Court Com^{rs}; this Entitles them to frequent Addresses and Applications from the Poeple, in all Cases of need. So th^{t} the Co^{ty} Burgessess, the Co^{ty} Court Comi^{rs} & the Co^{ty} Land Com^{rs} are allmost the same Poeple, & are of very great Consequence & influence in most Affaires in the Province. I have Many times Seen Com^{rs} Plead more Strenuously when upon the Bench, than the Councill did for their Clients at the barr. I cannott think such Persons wthout their Particular ffriends, & Many Private Views. I cannott say th^{t} this is alltogether out of a Corrupt Principall, for Ignorant Persons, when Elivated above their Capacitys, are allways the most Vain and Opiniatre, tho' some of them deservedly have another Character. I cannott therefore believe such Persons to be so Proper Judges of a Mans ffreehold, as Persons more indifferently appointed & of much better Judgment.

My Second Reason is taken from a Practice th^{t} is but too Comon to many Poeple in sounding the Land Com^{rs} Opinions by way of Advice, before ever they Pet^{n} for their Comeing upon the Land; & haveing known th^{r} Severall Opinions, they than Exhibite their Peticons as the Law directs; & if the Defend^{t} who is Ignorant of this Practice joyns in the Election of 3 Com^{rs} out of the Nine Appointed; w^{ch} is the Comon Method, the Comp^{t} is than Provided of his Men, allthô the Poor Ignorant Adversary knows Nothing of the Matter.

The next thing th^{t} falls under my Observacon is the Allegation in the Act that such Proceedings by Land Com^{rs} in the Co^{tys} are Carried on wth much less ffeteague & Expence than the way of Tryalls by Juries, in the Provinciall Court. As to the Expence it hath been found by Experience th^{t} this Latter way is generally the most Chargeable; but if in some Casses it be less by a Quick dispatch of the Business, yet even in th^{t} Case it is the most burthensome, because A Judgment for the Cost & Damages imediately Ensues, & a poor Man is ruined, because he cannott raise Such a Sum at Once, as he would be Severall years a paying upon a Prosecution in the Courts of Law, even just as the Cost Accrued.

But granting it were not so, & th^{t} the Cost on Prosecutions on the Land Law was less than upon the Comon Law Process, yet must the poor Poeple therefore be Oblidged by Law to Loose their Inheritance for the Saveing of Charges; loose a Ship for a half Penny worth of Tarr, & a Plantacon Worth £2 or 300 or more, to save £20 or £30 Charges. It is ag^{t} the Law of nature that a Man shall be Restrained from defending his ffreehold, when he hath itt in his Power to do it in a Legall Manner. I must Confess th^{t} itt doth not Necessarily follow th^{t} Every one who is Cast, hath Injustice don him; but following the Example of our Legislature I may Say th^{t} loosers

St. Mary's Seminary-Junior College

ought to have the liberty of Complaining before a Proper Bench; So th^t upon the whole, the Case seems as if the Assembly Intended to do the Poeple a Particular favour in Saveing their money in their Pocketts at the Resque of looseing an Inheritance of a much Greater Value. I will Instance in one Case only the Manner of saveing Charges. A Certain person brought the Com^rs on his Land to Ascertaine the bounds thereof, w^ch was don; & a Decree in his ffavour togather w^th an Execution ag^t the Def^t; but the Case was so the Compl^t who Employed the Com^rs was Oblidged to pay them. The Def^t ag^t whom the Execution was Awarded, was a Poor Man, & could not pay it. Tob. bore a great Price. The Com^rs & those th^t Attended them Pressed so for their Pay, that the Poor Man was forced to Sell his Land at an Under Rate, to gett Tob. to defray the Cost of this Suit.

Let us look back but a little time, & wee may see when the Extravagant Charge of this Way of Proceeding by Land Com^rs w^th a great deal of Reason was Complained of, alltho' the Law was then allso dawb'd over w^th the Specious Pretences of Saveing Charges to the Poeple. Our Assembly fell upon ways & Means to retrench such exorbitant Charges; w^ch otherwise would in a Short time have put the Countrey into a ferment; & they did, as it sometimes hapned, hit upon the means of saveing Charges in some Measure; but in Such a manner th^t the Law is thereby become much more grevious & intollerable than before. For if according to the former Act, any person should have had the Misfortune of falling into the hands of (& sure such there Are) Malicious Prejudiced & Ignorant Com^rs let them award what Sentance they pleased, yett the Liberty of removeing the Cause before a Superiour, & less Prejudiced Bench, made many Poeple Easie under the misfortune of An Ignorant & too Often Arrogant Land Comission. But this

Method was too Expensive to Continue Long wthout a Publick Clamour of the whole Countrey ag^{t} their Representatives: who were not able any longer to perswade the Poeple contrary to their own Experience of the Ease cheapness and Conveniency of this kind of Judicature.

But before I proceed any further it may not be Amiss to Obviate the Charge of insinserity w^{ch} I fore see will be brought ag^{t} me, in Alledging generally th^{t} Appeals, the most Valuable branch of the former Land Law, are by this Act taken away. Indeed my Manner of Expressing it looks some what Generall, but is not more Generall than Reason & the Practice of the thing will justifie me in; for the Greatest part of the Matters in dispute are under the Value of £300 Ster.; but if it were Otherwise, few Poeple here have Interest or Inclination to be at the trouble & Expence of Prosecuteing a Chargable Suit before his Maty. in Councill. I have heard of butt one P^{r}son only th^{t} talked of an Appeal according to the Act, but have not heard he ever Prosecuted it. So th^{t} those Appeals seem to be of Little Benefit to the Planter.

But granting it were otherwise, & th^{t} Poeple were inclined to the Use of such Appeals, yet it is rendered allmost Impracticable, by a Clause in the Act, Whereby the Value of the Land in dispute is putt Wholy into the brest of the Com^{rs} as Sole Judges of the Worth of the Pretentions, of the Party aggreived. So th^{t} if the Value of the thing in dispute do farr Exceed the sume of £300 Ster; yet it is in the Choice of the Land Com^{rs} if they will Sett so high a Price upon it, as shall Entitle the Party to an Appeale. The Reason of this is Obvious; for Supposeing an Unjust Decree to be made, & Surely I may Venture to say there are many such, seeing that our present Land Law-makers have Acknowledged it, who will think it Strange, I say, if the s^{d} Com^{rs} being Privy to the

Unjustice of the Proceedure or Unwilling th^t^ the ffavorite Party should be put to such Vast Expence & Trouble as an Appeale would necessarily bring upon him, should Undervalue the Worth of such Pretentions. & thereby Save to themselves the Reproach of haveing made an Unjust Award?

The Generall Design of this Law, as set forth in the Preamble thereof, is not only the Most Comendable; but also the most Usefull Undertakeing that the Legislature of any Countrey Could Enter upon; provided that the Meanes Proposed, were any ways Proportioned to & Adiquate w^th^ the End Designed; but the Present Case Appears the very Reverse of so Pub. a good, the Means being alltogather Incompatible w^th^ the Attainment of the End proposed for these two Reasons following:

The first Reason is th^t^ the Richer Sort of Poeple who are Able to bear all such Charges, as Are said to Accrue upon the Prosecutions in the Courts of Comon Law, are Involved in the same Circumstance w^th^ the poor & more needy, & are Oblidged by Law to keep their Money in their Pocketts, thô at the Hazzard of looseing their Inheritance, when they neither come w^th^in the Reason or Design of the Act. It will be said th^t^ the Case of a Rich & a Poor Man, was the Only Case th^t^ seemed to fall under the Consideration of the Law makers. Now the Advantage w^ch^ Accrues to poor Men by this Act ag^t^ their Potent Letigious Adversarys, is the Subject of the next Reason ag^t^ the Pretended Usefullness of the Act.

My second Reason th^t^ the Means prescribed by the Act is no ways Proportioned to the Attainem^t^ of the End Proposed by it, is, because th^t^ it is Obvious to all the World, & it was so I dare say, from the Begining, th^t^ a Rich Man is Possest of Vast Advantages over his poor Adversary; & Unless some better stand, as a place of Refuge, be Provided for the Security of the Poor Man, all Endeavours in his ffavour may be deemed

Vain & fruiteless Attempts. Such I think is the Projection of our Land Law: there is nothing in it, to Secure A Poor Mans Property; no, not so much as one Proposall advanced towards it, but what depends merely upon the Integrity of the Com^rs^ w^ch^ is but a weak Support to the Poor. It is all Pretence and Mere Amusem^t^ w^thout^ the Least thing don for them, unless the Erecting an Arbitrary Judicatory, whose Sentence is Unalterable be lookt Upon to be an Equivalent far takeing away An Englishman's Birth right, in being Adjudged by his Peers, the most Inestimable Part of an English Liberty.

But here I Conceive it will be said, in Answer to my second Reason, th^t^ it is in a more peculiar Manner the Duty of the Land Com^rs^ according to the Design of the Act, to be of Councill for the Poor, & Ignorant, as far as the Iustice of their Case Requires. To w^ch^ I answer th^t^ Comon Experience over all the World, as well as the Practice of some of the Land Com^rs^ are but too Evident Proofs th^t^ the Rich Man & the Man of Authority, have the Greatest Influence upon all Arbitrary Judicatorys. But further granting th^t^ these Land Com^rs^ were the Honestest Men in the World, yet involved in great Difficultys & Uncertaintys as to the knowledge of the true Bounds of the Land in Dispute. How Easie then is it to conceive & Prove allso, th^t^ ffavour in all such Cases of Uncertainty Seldome fills the Ball. on the Poor Man's side. For if a Complim^t^ be to be made of a Mans Judgm^t^ there are many prevailing Inducements for Placeing it on the Rich Man, who hath allso Great Advantages over the Poor Man by Reason his Education & Improvem^t^ by Business, w^ch^ have Rendered him much better Qualifyed to Sett his Case in such Lights as may Easily Deceive Persons of weak Judgem^t^ & Unfixt Principles in the true Method of Adjudgeing on the Boundaries of Antient Surveys. More Especially seeing th^t^ such Provision is made

by the Act th^{t} no Poor Mans Reason nor Judgem^{t} shall be Assisted by Advocates of any kind, unless don gratis, w^{ch} few men are forward in. If the Com^{rs} are Ignorant so they must Remaine, for the Law will not allow a Poor Man an Advocate to put his Case into such a Light th^{t} the Com^{rs} may be better informed & see what Justice lays on the Poor Mans side; and this brings me to my 3^{d} & last Reason ag^{t} the Act.

Thirdly it is well known th^{t} a great many Poor Poeple in this Countrey, are so Ignorant, th^{t} tho' they may say a great deal, yet all to little Purpose. They are Ignorant where the stress of their Case lyes: if they Pay a fee for Advise, for no man is allowed to plead for them, they are alltogather in the Darke; as to setting forth their Case before the Com^{rs} they might as well throw Away their Money, unless Councill were allowed to plead for them; So th^{t} if the Com^{rs} fayl in Judgm^{t} or Integrity, a Poor Man is Ruined, be his Case Never so just; & by A Method th^{t} seems even ag^{t} the Law of Nature & Nations; th^{t} a Man who is Able to pay a fee, should be denyed the benifitt of his Advice, & all this for the Saveing of Charges to the Poor as is p^{r}tended. This Indeed seems the most Barberous & Inhumane Part of the Law; th^{t} a Poor Ignorant Person who is not able to plead his own Cause should be denyed Councill to do it for him, as if the Legislators, to Husband the Poeples Estates, would not Suffer them to be at any other Charge than paying the Com^{rs} & their Attendants, who now Engross to themselves all that Money & More too w^{ch} heretofore was Expended in Prosecuteing Suits in the Courts of Law; and tis generally confessed by a More Chargable Way too; So th^{t} if our Poeple go on in this Strain, wee shall in a Little time have No Occation for Courts, Judges, Att^{r}neys; th^{t} the Co^{ty} Gen^{l} Acting by Speciall Comissions will Supply the place of all these. But such things are not to be wondered

at ; they are Naturall Consequences of too much Indulgence to the Poeple for the Carrying on Popular Designes. Our Poeple have now a great Deal of Power Setled on them by Sundry Acts of Assembly, w^{ch} they frequently make use of to destroy one Another ; but all this is well Enough they being their own Executioners.

Haveing gon thro' wth my Observations upon the Principall thing designed by the Act, & made it Evidently Appear th^{t} the means Proposed by the Law, instead of Relief to the Poor, is an Additionall Aggrievance to them, it only remaines now to make it Appear, th^{t} as our Legislators have failed in their Design of Releiveing the Poeple by this Law, so are they in my Opinion, grosly mistaken in Asserting, because the great Variety of Land Cases will not fall under the Prescription of any generall Rule to Enable the Court & jury to judge of the Matter in Controversy, that therefore the Co^{ty} Land Com^{rs} who are generally Ignorant in Land Affaires, are the Only Proper Judges to determine on all such Uncertain Controversys, as if ignorance when Stampt wth Authority were imediately converted into a Sovereign Good. This Notion is not more Monstous, than a Supposition th^{t} the Parliam^{t} of great Brittain should pass an Act that Pettyfoggers, Sollicetors, & all Manner of p^{r}tenders of the Law, are Persons better Qualifyed to determine Arbitrarily on the Variety of Cases w^{ch} falls wthin the Comon Law than the Judges of the Beneches, Notwthstanding their Long Experience & Exquisite knowledge in the Laws of the Land. If there be any disproportion in the Parallel, it is not at all in favour of the Land Law, for Sollicitors & Pettyfoggers know something of the Law, but the far greater N^{o} of our Land Com^{rs} I dare boldly say know Nothing of the Matter.

Here I ffind it will be objected th^{t} the Jurors comonly Empannelled for the trying of Disputes about the Bounds of

Land, know as little of the Matter. I grant it; but must begg Leave to distinguish on the different Circumstances of a Jury at the Barr (where the Case is Opened to them by the Pleadings of the Councill, & their Judgm^{ts} improved thereon by the Charge from the Bench) & the Land Com^{rs} on a Tract of Land where they stand deprived of all Manner of Information, Except what they learn from the Partys & Evidences on both sides. The Veracity of w^{ch} Evidence, is only known by a Judicious Comparison of the Oaths, wth all the Circumstances th^{t} Relates to the Survey, w^{ch} I take to be above the Reach of most of those Gen^{t} who I doubt are guided more by humour and Inclination, than by any Solid Judgem^{t} in the Matter; for they have denyed to themselves the means of being better Informed, by Preventing Lawyers or other Persons Solliciting Land Affaires from pleading before them. If it should be said th^{t} the Land Com^{rs} as mean as they are Represented to be, have much the Advantage over the Comon Jurys in Point of knowledge, I grant it is so very often; but if I am not Mistaken the Jurys at the Barr, have the Advantage of the Com^{rs} in Point of Indifferency & Impartiality, being mostly Strangers to the Partys.

Gen^{t} my Desire of Setling this Land-Law, w^{ch} is so greivious & burthensome to the Poeple, in a True light, is the only Excuse I can plead for this long Epistle. When I began my Observacons I thought one sheet at the most would have been Sufficient for exposeing the many illconveniencys th^{t} Attend the Practice of so Pernitious a Law; but the Mischeifs are so many; & of so complicated a Nature, th^{t} I found my self under A necessity of Enlargeing upon Many Branches of the Act, w^{ch} would not otherwise have Appeared so Intelligible.

What Remaines still to be said of this Land Law, doth in some Measure Affect his L^d^pp; but more nearly all such Gen^t^ who liveing in Europe, are Interested in Lands w^th^in this Province. My L^d^ Propry is Affected in this over and above what is allready sett forth, th^t^ Plotts & Certificates of all Surveys made by these Com^rs^ are to be fairly entered into a Book to be Kept among the Records of the Co^ty^ where the Lands lye, by w^ch^ Means if this Land Law should Continue, neither will the Originall Certificates of Survey, nor his L^d^pps Grants thereon, nor the Antient Records of the Land Office, be of any further use; seeing that the New Certificates upon w^ch^ the Poeples Rights will only depend, are to be made of Record w^th^ the Co^ty^ Clk. w^th^out any Manner of Regard unto his L^d^pps Land Office w^ch^ I take to be the foundacon of Every ffree-holders Estate here. And further, if there be any weight in the Discourse of some Persons, th^t^ Propry Charters are lyable to a forfeiture, upon Suffering Laws to be made & Continued, th^t^ Are Repugnant to those of great Brittain, I am sure th^t^ this Land Law is so in a Superlative Degree.

That Part of this Act w^ch^ relates to the Estates of Gen^t^ th^t^ do not reside w^th^in this Province, seems to be of a more Extensive Influence than any one would imagine it to do at the first View of the Law, w^ch^ in Generall Provides, th^t^ all Persons concerned should have due Notice of the time & design of Com^rs^ Comeing upon any Lands; but that this due Notice according to the Terms of the Act, may be off Little Use to p^r^sons th^t^ are Absent from the Province, is Manifest from the Act itself, wherein it is Confessed th^t^ the former Land Com^rs^ did Award decree & determine concerning the Bounds of Severall Lands w^ch^ they Awarded allso to Others, to the great Prejudice of the Proprietors, without giveing due notice of the

s^{d} Proceedings; nor will it seem Strange if Persons Interested in Lands should be surprised in the same Manner by the p^{r}sent Land Com^{rs}.

But waveing th^{t} Point, I will Insist only upon the Terms of the Present Act, w^{ch} I say are Insufficient to Oblidge any Person designing to make Advantage of Anothers Lands to give such due Notice as may bring the thing in dispute to a fair and Equall Determinacon. Three Months Notice is allowed to Persons liveing out of the Co^{tys} where the Land lyes, & two Years to such as are Absent from the Province; but if the Setting up notes at the Court house & Parish Churche doors where such Land lyes, hath not Proved Effectuall Notice to such persons as live within this Province, by what means shall Gen^{t} liveing out of the Province come to the knowledge of such Proceedings? It may be s^{d} th^{t} their ffriends or Att^{r}nys may Advise of it; but it is Possible th^{t} such friends or Att^{r}nys may know Nothing of the Matter, notwthstanding th^{t} such Notes were put up at the Court house & Church Doors. But further Suppose the Proprietors of Land lyeing wthin this Province, & certainly there are such have neither ffriend nor Att^{r}ney here; is it just th^{t} their Estates should lye at the Mercy of such Persons as shall bring the Land Com^{rs} upon it? Nay farther yet, those Gen^{t} in England who hold the best Correspondency here, may be surprised by this Act, for Many of them hold Lands by Antient Surveys, the Bounds whereof are not yett Certainly known; & a Survey made by these Land Com^{rs} of some Contiguous & Adjoyning Tract, may run Considerably wthin the Lines of such Land, & the Proprietor thereof be Precluded, as the Act hath it, from makeing his Just Defence before the Award or Decree be made ag^{t} him. I hope I shall be held Excused for writeing so long an Epistle; the Subject Matter of it is of the greatest Consequence to this

Province, w^{ch} I trust will Plead an Excuse for him who is in Sincerity to the Utmost of his Power—

Gen^{t} Y^{r} Most Obedient
Humble Serv^{t}

PHILE. LLOYD

PHILEMON LLOYD TO LORD BALTIMORE AND CO-PARTNERS.

[Discovery of Mines.]

My Lord & Gen^{t}

S^{r} I did my Self the Hon^{r} of Writeing to you of June 1722 have seen Roach, Sing [and] Brown; the 3 remaining Partners in the Adventure. They seem very much disconcerted at the loss of their Mine upon Susquehannah, of w^{ch} I sent the in my [last.] I have recd. at their hands 2 p^{s} of Oar: the one Copper & Iron the other Silver & Iron. The Mine is so stricktly guarded th^{t} they tell me they could not possibly gett Any More, [but] promise a larger Quantity ag^{t} the Time th^{t} I come up to them. Which I design in six or Seven days at the farthest, & will then go to the Place where they have Severall Men at Work in Opening a Copper mine, much lower down in Maryland.

Gen^{t}, According to the Worth & Other Circumstances of this & Other Mines, I shall ffind my Self under a necessity of doeing something wth the discoverers rather than be Wholy shut out from these first undertakeings in case the Land be allready taken up; but if not I will then lay Warr^{ts} whereever I can hear of any Probability of a Mine. Schylers & the

Mine upon the Susquehannah hath made such a Noise in the World, thᵗ the Woods are now full of Mine hunters. Many discoverys are allready Made; but the Worth of them unknown untill shafts shall be sunk, to ffind Out the largeness & Quality of the Vien. Upon wᶜʰ Accoᵗ I humbly propose:

first, thᵗ Directions be given to treat wᵗʰ such persons, as shall discover Mines of Copper Tinn or lead, So as they may be Encouraged to seek after & make known whatever Mines they shall ffind, by letting the Discoverer come in for a Part. By this Means, if many discoverys of thᵗ kind should be Made (a Rich lead Mine in the Iersys & a very Rich Copper Mine in Bucks Coᵗʸ in Pensilvania, are lately discovered) we may Engross the Greatest part among Ourselves.

Secondly, I humbly propose allso, thᵗ some directions be sent to treat wᵗʰ such persons as have mines in their Lands allready Patented.

Thirdly I begg yʳ Direction in the Manner of Encourageing the first discoverers of Mines, allready found out upon any of his Lᵈpps Mannors, & other heritable Lands; for wᵗʰout Encouragemᵗ the Persons are like to conceal, & may possibly dye wᵗʰout Communicateing their knowledge unto any person whatsoever.

ffourthly, it is likewise proposed thᵗ some pʳson of Ability & Experience be sent over, who shall make it his Whole Business, wᵗʰ proper Utensills & other Necessary Conveniencys, to go in search of Mines of any sort whatsoever.

Publick Reports concerning the Value of the Mine upon Susquehannah are very Various & Uncertain, Especially of late, thᵗ they have given Out thᵗ the Governʳ &c after a great deal of Pains & Cost, are about to quit it. On the other hand, Sing, Roach [and] Brown tell me, thᵗ such Reports are spread abroad on purpose to give Oppertunity of Convey-

ing away the Oar wth little or no Notice, they allso they came from Philadelphia, 7 Waggons were in Waiting near transport the Oar down to New-Castle w^{ch} is 50 Miles distance, & I had some p^{r}sons tell me allso, th^{t} a much better Way May be to the head of one of our Rivers wth 30 miles Land Carriage.

I am not a little concerned th^{t} the Reserve of 10000 A^{rs} formerly Advised of hath not been Executed. I know not by what means the Pensilvanians had Notice of it; but before our Surveyor went up (he was out of the Way for some Time after I sent the Warr^{t} to him) they had posted Souldiers all about the Woods, So th^{t} our Officer dared not to go & Execute th^{t} Warr^{t} However I am resolved to be up among them & lay the Reserve if Possible; notwithstanding if S^{r} W^{m} Keith hath laid out all the Adjacent Lands for Young Penn by the Name of Springetts Bury q^{r}; 75520 ^{ars} thô I believe twice th^{t} Quantity may be thrust into those Bounds, by Reason of the Terms More or less; as you will see they are there made Use of in the Inclosed Copy of the Warr^{t}

As soon as Sing, Roach &^{c} went up; a Warr^{t} was Issued out by S^{r} W^{m} & Sing taken Upon the Mine; & thence carried to Philadelphia, & Comitted to the City Goal, as you will perceive by the Inclosed Papers, w^{ch} I have purposely Transmitted th^{t} the Rigorous Methods of those poeple may be known. I design however to make a survey there wth all Imaginable secrecy, but should be heartily glad if a proper Instrum^{t} were sent over [for] the takeing the Lat. of the Place, or that some Pub. directions were Given to the Governm^{t} for the making an [exact] discovery of the Line of 40 North.

Gen^{t} here inclosed comes an Invo. of [sundry] Sorts of Oar, w^{ch} are packed up in a Box, & come directed to the Honble [Charles] Baron of Baltemore &^{c}. Having those sorts I re-

solved to send them, Whether of Any Value or No. but hope to be Master of greater Quantitys of better Oars before the latter Ships sayl, w^{ch} shall not ffayl in transmitting over, nor shall my best Endeavours be any Ways Wanting in Advancing the Ioynt Interest of such Worthy Gen^{t} from Whom I have the Hon^{r} of Subscribeing my Self,

My Lord & Worthy Gen^{t}
Y^{r} Most Obedient
Humble Serv^{t}

July 19th 1722 PHILE. LLOYD

To
The R^{t} Hon^{ble}
Charles Absolute Lord & Proprietary
of the Province of Maryland &^{c}
Lord Baron of Baltemore and
Copartners
In
London

DRAFT OF LETTER FROM CHARLES, LORD BALTIMORE, TO PHILEMON LLOYD.

To Mr. Loyd—

Yours would have bin sooner answer'd but th^{t} I have stayd long abroad then I intended. I must aprove your draught of petition for a person now in the disputed parts to become a Tennant of Maryland & I beg you will encourage all people that have a mind to hold under me by such means as you shall think most for my interest. I have often given Directions for

confirming any one in there possessions in the Above mentiond places with out expecting any thing for orereages & I give my Brother the Governour orders to Spare no costs in this afair, I am preparing to commence a law suit with the pensilvanias & beleive it will be Nescessary for you to Come over in the fall, & I desire you will take care to furnish your selfe with all materials that may be nescessary and more espetialy to take Care to gett as many Evidences as may be of my possession which is the thing th^t^ to me seems most wanting Communicate this to My Brother & beg you will be asisting to him in establishing proper offices or officers for the Collecting of my rents

You will here inclosed Receive My New Commits^n^ apointing My Brother Cæcil^s^ Calvert & M^r^ Thos. Beake Secretarys of My Province of Maryland Likewise there new Commssn continuing you Deputy You are to send all matters of Affaires relating to your said office to my said Brother for my Perusal

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PHILEMON LLOYD TO CO-PARTNERS.

[Personal justification. Mines. Land business.]

Wye River July the 28^th^ 1722

Gen^t^

Having in my former Letter compleated whatever I judged necessary, in Relacon to the Pub Affaires of this Province, as they any ways related unto the Duty of my Office, I now make bold to trouble you w^th^ some Matters wherein my Own Character & Conduct may be called into Question. I am conscious to my Self of having don nothing, when set in a true light, th^t^ may justly bring a Censure upon my Managem^t^ of his L^dpps.

Affaires, & can boast this of my Self th^{t} I have allways Professed his L^{d}pps Interest, Where justice favour'd it, even ag^{t} the former Practice of the Office, to the great dissatisfaction of Many persons. But it is now, as I beleive it hath ever been, the Condicon of Poeple in Office, th^{t} Something either thro Design Malice or Accident, hath brought their prudence or fidelity into Question.

I know not unto w^{ch} of these I stand indebted for some Complaints & base Reflections w^{ch} are privately handed about ag^{t} me. I will not Entertain you Gen^{t}, wth Preambles, nor will I say Any more by Way of Apology, than seems Absolutely necessary for the doeing my Self Justice in Relac̄on unto the Principall Parts of my Office, w^{ch} is both Judicial & Minesterial. As to the Judicial Part of it, no man as yet, hath had Recourse unto the Com̄on Law, as Aggrieved by any Determinac̄on of Mine, allthô many Poeple seemed discontented, w^{ch} I take to be the Com̄on Case of all such as are Employed in the doeing of Justice. As to the Ministerial & Official Part of my Duty, I have Used all Imaginable Care th^{t} Noething should Pass unto his L^{d}pps Disadvantage; but Pickthanks are never Wanting, & I have been told th^{t} my Conduct hath been Censured for having Ordered out Com̄on Warr^{ts} before Caution given. I must confess th^{t} lies on a Misunderstanding wth my Con. Henry Lowe Dep^{ty}, who broke in upon my perquisites, wthout being able to help myself, but by the granting of Warr^{ts} Sp^{ll} & Com̄on wthout his directions; as I found myself Qualifyed by my Instructions, w^{ch} was not to suffer any Patent to Issue untill his L^{d}pps Agent were p^{d} the Condic̄on Whether Com̄on, Escheat &c.; but this Liberty was soon Abused; & 2 great Warr^{ts} taken out, one by M^{r} Macnemore for 5000 A^{rs}, & the other for 3000 A^{rs}, wthout secureing or giveing Caution for the same. I had notice hereof, & im̄ediately countermanded

those Orders to the Clke, & so p^r^vented the Ill Consequence th^t^ I saw was like to ensue the Abuse of th^t^ Liberty ; for great Warr^ts^ taken out upon Credit, might have been sold out in parcell & his L^d^pp defeated of his Right ; or the Purchasers from the Warrantee loose their Rights ; but I had Ever after a strickt Eye upon those 2 Warr^ts^ ; but it so hapned th^t^ the Six Months Time was Expired before any use was made of them, & when brought to be renewed for 6 m^o^ longer, they were met w^th^ Orders w^ch^ I had just at that Time put into to the Offiee, for fear of Alarming them if don sooner, w^ch^ forbid the Renewm^t^ thereof untill it appeared th^t^ his L^d^pps Agent were Satisfyed for the same according to Condic̄ons of Plantac̄on.

This is the Only step th^t^ I ever Made, Since I have been in the Office, th^t^ bears any Colour of Blame ; but when perfectly Understood, is rather a benefit than an Injury, as to the seating the Countrey ; but his L^d^pp had been oblidged to stay a little for his Money : & I put to A great Deal of Trouble in observing the Returns upon Every Warr^t^, So th^t^ no Patent should Issue untill his L^d^pp were paid his Rights. However upon the Whole I thought it proper to p^r^vent Any such practiee from Creeping into the Office ; but have since heard th^t^ it was Objected to me by the Dep^ty^ Agent, when I forbadd a Warr^t^ unto Copson, upon the score of the Iron Works, Whereby a Reserve was made of Allmost all the Lands upon the Western shore, for the Valne of £120 Cash p^d^ downe. I was Aware of my former Mistake in Granting Warr^ts^ before p^d^ for, or Caution given for the Paym^t^ thereof, & had Reason therefore to refuse such an Unlimited Warr^t^ as was prepared by the Clk & shewn me, Empowring Copson to take up all the Lands upon the head of the Bay in Cæcill side, w^th^out Any restraint of goeing as far North as he had Pleased, & allso a Reserve of all the Lands on Baltemore side. Besides as I formerly Advised,

having found a secret fellow of Copson, his great & unusuall Reservedness to me, & the Incomptency of some of his schemes, made me jealouse of Pensilvania Designes; & therefore forbid the Issueing of th^t^ Warr^t^, having first Advised the Govern^r^ of my Apprehensions, who Acquiesced in what I had said as to the Pensilvania Designes. This Order I thought my self Qualifyed to make w^th^out giveing my L^ds^ Agents Dep^ty^ or My Own Clk a Reason for it; but by Bribery or what Other Influence I cant tell the Warr^t^ Issued Contrary to my Order as soon as I went Out of Town, & Reserve Made of the Tract of Land now taken up for Iron Works (they might have levyed out as much & wherever they had pleased) & a Location upon the heads of all the Rivers in Baltemore Co^ty^; w^ch^ had been a stop to all other surveys; & kept th^t^ Vast Tract of Land under the Thumb. But I sent Imediately unto both the Survey^rs^ of Cæcill & Baltemore Co^ty^ too, into Whose hands soever the Warr^t^ should fall, to let me know their p^r^tentions, & not to do Any thing therenpon untill they should have farther directions from me. It was at first laid in Cæcill Co^ty^. I had no Objection to the Place; I let him finish the Work & recalled the Warr^t^, so heard no more of such large Pretentions. Whatever Encouragem^t^ the Dep^t^ Agent or my Clk had for Issueing this Warr^t^ from Copson; they had different Treatm^t^ from me, Who found they had surprised the Govern^r^ into a Consent of it. However, after such an Action & other misdoings, I should not have continued the Clk Any longer in the Office if I could have furnished my [self] w^th^ another Clke so Capable of doeing the Business thereof; for allthô Copson p^d^ Caution down for 4500, th^t^ Ought not to have given him the Liberty of 100000 A^rs^; but Money I fear hath don too many Wonders in th^t^ Office. Alltho' it is my Duty to take Care th^t^ My L^d^ be no Sufferer thereby, I must Wink at ffaults. There hath

been frequent shifting & Changes of Clks heretofore for Misdemeanours. I am sensible I am greatly Wrong'd by them but know not how to help myself; but his L^dpps Business & dues being all of Record, by dilligence & Circumspection I can p^rvent his being Abused. These & such like grumblings at my Conduct first for Ordering Warn^t to any one, & now Restraining of Copson, might have remained a secret for some Time longer had it not been for my denyeing Geist the liberty of the Office. I had heard of some of his & the Clks Unfair Practices as to my self & the Poeple too; & particularly of One in Relation Unto 6 Pistoles w^ch Geist was to have for takeing A Patent of[f] the Record, for so the Report was handed to me; of w^ch you will see more by the Dep^us of Griffith & ffandrier taken by the Provincial Court unknown to me & come here inclosed: the same being before lost in Mann.

Whatever M^r Geist may think of such practices & the many Private Injurys don to me in th^t Office, No man Else, I speak it w^th Submission, will believe him harshly used in being forbid the Office; for among Many other Informac̄ons given me, the Collector at New-Castle, told me th^t he heard Vanhaesdonck Riddlyden th^t famous Conviet & Transport into Maryland, had, to recom̄end him self in th^t Place where he Apply'd for Practice, frequently boasted of frendship & great priveledges in the Maryland Land Office, & had thereby very much Advanced himself in the Good Opinion of the Poeple there, & in Cecill Co^ty too; for as it is generally Reported, th^t during the Time of his great ffamiliarity w^th Geist he had gott the Certificates from off the Records of great part of the Lands in Cæcill Co^ty w^thout having Ever Accounted w^th me for one penny for the same. But when I came next to Town after I had the news at New Castle, upon Enquirey I had some notice of the Great ffamiliarity that had been between Griffith, Geist in the

Office, & Riddlyden & Davison out doors; & how th^t^ there had been a late jangling between the Dep^ty^ Agent & Griffith. I made what Enquirey I could into the Cause of it, but could then have but an Imperfect Acco^t^ of the 6 Pistoles & the Business to be don for them, for I found the Clk upon th^t^ Reserved w^th^ me; I therefore Sett others at Work who from their discourse in their ffretfull airs, had heard it said th^t^ Geist was to have the 6 Pistolls for takeing off the Patent of Davison & the Widdow Thompson's Land.

But Whilst this Matter was in Agitacon in Aprill Provincial Court 1721 th^t^ a Record was defaced that morning; & th^t^ 3 or 4 Titles of Land had been torn out of a Record Book. The Chief Clk like a sorry fellow, suffered me to have the news thereof from the Town, rather than by his own informacon, w^ch^ if it had, as it ought, imediately followed the Discovery, I might possibly have detected the Villain & seized the torn Records Upon him; but the Provincial Court was set before I had news of it. At their Riseing from Dinner I Exhibited An Informacon of what had been discovered & of the Person suspected. They Imediately Issued a Warr^t^ Ag^t^ him; but the Delay in discovering the ffact to me as soon as it was known, p^r^vented the desired success; for th^t^ Delay gave to one of Clarkes ffriends to Advise him of what was doeing. He absented himself th^t^ night because he would not be taken by the Officer; but came to Town the next day & then surrendered himself. Th^t^ which fastned the thing upon him was his being in the Office th^t^ Morning, & made search in Sundry Record Books, & Appeared to be his Interest to deface th^t^ Record, for the Gaining th^t^ Land thereon Recorded, to him self w^ch^ was a little before in Agitation.

These Evill practices & what more there may yet be of the like Nature as yet Unknown, Ariseing from the Great Liberty

given unto Poeple of Comeing into the Land Office, I thought it high Time to retrench it as well to the Dep^{ty} Agent as to the Poeple in Gen^{ll}; for all thô I had Often times threatned to remove the Reg^{r} if I found a Crew of Poeple about him in the Office, it was all to no purpose; & he told me he could not help the Poeple from goeing into the Office nor looking into the Books. These other practices falling in wth the Affaire of the 6 Pistoles, oblidged unto a New Regulac$\bar{o}$n thereof. I therefore began wth Giest, of whom I had been told sundry things; & told him, but apart, th^{t} he had no longer any Liberty of Comeing into the Land Office; but th^{t} in Any thing relating Unto his L^{d}ps. Affaires or Interest it should be dispatched for him as soon as demanded, wthout any ffee or Reward; but th^{t} the Duty of my Office Oblidged me to take Care of the Office. But the Gen^{l} as it seems by Griffiths Dep^{n} thought himself priviledged & came Along wth others into the Office the next day. I then Publickly checkt him, & let him know th^{t} the Office was no place for him, nor those he brought along wth him; & therefore as soon as possible, I got an Inside hatch made, wth Iron spikes at the Top to keep all Poeple Out, w^{ch} I find very necessary to be don; & th^{t} no other p^{r}son but the Clk Who is Answerable for the Records have the handling of them. Nor am I at all better satisfyed wth M^{r} Geists Conduct, because of a Memorial in his Own Justification w^{ch} our Govern^{r} was pleased to hand to me, for in th^{t} he Acknowledges in part what Griffith swore as to the 6 Pistoles; & the Govern^{r} remarked thereupon, th^{t} Griffith & Geist had playd so long into One Anothers hands th^{t} now they were fallen Out About the stakes.

The Affaire had the Worse Aspect wth me, because I had been some time before made in some Manner Acquainted wth the Ground of it. D^{r} Davison, for whom the Business was to be

don, was severall Times wth me. I advised him very Candidly in his Business; but I found he had farther designs than was Agreeable to law or Justice & discountenanced him in it; but when Riddlesden who was said to be Expert & deeply practiced in Vilany, came to have a hand in it, it is no Wonder if he plead his own part, & under the Countenance of friendship, Addressed himself unto the Widdow, & so got an insight into the Affaire of the Land in dispute between her self & Davison, & among other Circumstances he ffound th^{t} the Original Grant was Wanting. The Widdow was surprised & knew nothing of it; but Riddlyden to make all sure Advised [her] to be very dilligent in the search of her Patent; for th^{t} she would certainly loose her Land if she did [not] ffind [it]. Thus he Excited her Care; & Engaged her by the fear of looseing her Land, to Endeavour the Recovery of her Patent; but all search was in Vain. He brought Davison the Joyfull news, th^{t} the Patent was not to be found; & so among them the Mischeif was hatched; th^{t} Geist (if it be true what Report saith; & what Griffith hath swore) should have a p^{t} of Money for defaceing the Record & takeing of the Copy or Rather Exemplification of the Patent Recorded in the Land Rolls. Nor doth Geist deny th^{t} there was something in what Griffith Swore; but in his Appology made thereon he turns all to redicule; yet it Appears, th^{t} an Affaire was a negociateing in the Office for D^{r} Davison, th^{t} Geist & Griffith had a Quarrell in the Office about it; th^{t} after some reproachfull & biteing Language Geist left the Office & Went Imediately Unto Davisons House (w^{ch} Geist says was the nearest, but he might have housed himself in half the space) Griffith follow'd calling out & makeing use of scandelous Words, untill he came unto Davisons Shop; then as Geist farther saith in his Appology, "I then desired Davison to Acquaint him," Griffith meaning, "th^{t} I had rec̄d from

him," meaning Davison "six Pistoles: w^{eh} was told I p^{r}test," Continues he, "wth no Other design than to jeer Griffith." So far his Appology. Whether or no Geist design'd to jeer & laugh at him in Davisons shop, I will not determine; but it seems they were both of another Temper when they had the Words in the Office; & when Griffith followed him in the streets pelting him wth scandelous Words, it is plain something was to have been don. It is all plain allso th^{t} Griffith & Geist did not Quarrell for straws; his own Confession th^{t} Davison did speak to Griffeth of 6 Pistoles, w^{eh} wth many other Circumstances conspire in makeing out the Charge. Riddlyden was too notorious in Britain to Want a Charecter. Davison was little short of him, Consideratis Considerandis: he hath been Convict & at Sundry other times try'd for perjury. He was allso Arraigned for Burning our State house, to take off the Record of his Conviction, as some poeple supposed; & so Admirably well versed in the Managem^{t} of the Petit Iurys, that he practiced the same skill & Cunning for his ffriend Riddlyden as he had used for himself in that. Such Conversac$\bar{o}$n shew'd the Mann; & were it not for his L^{d}pp who as M^{r} Lowe told me had a Respect for the Man, he should hardly have continued in any Pub. Employm^{t} For as I had been Advised by M^{r} Att^{r}ny Gen^{ll} he had told at the Govern^{rs} Table th^{t} I forbid him the Office, because he had made a Discovery of M^{r} Wardes Land to be Escheat. I taxed the fellow wth the Report. He Acknowledged it, & th^{t} he could tell for what else I turned him out of the Office. Such base suspitions are suitable to such Vilanous practices: & found the Reward of my Modesty in not stigmatizeing the fellow publickly for those Crimes I had Advised him of in private. By this Charge I find my self Involved in 3 Difficulties: first th^{t} I Interrupted his L^{d}pps Dep^{ty} Agent in makeing Proper discoverys of Es-

cheats &c.; Secondly th^t^ Interrupted him in his search of his L^d^pps Mannors & Others his Rights Ariseing Out of the Office; thirdly th^t^ I was Influenced thereto by his Discovery of Col. Wardes Land to be Escheat.

As to the first, no discoverys of Escheat Lands are to be made out of the Land Records. Original Rights only are to be found recorded there. Secondly; it is the thing searched for & not the turning & Tumbling over the books, th^t^ is for his L^d^ps Service. It is little Matter who doth it provided th^t^ his L^d^pps Business be don; & Certainly the Clk who hath given Security for his Well Abearance in his Office, is the fittest person to make searches therein. But lastly in the thing Complained of; I shall agree w^th^ him th^t^ it were hard th^t^ his L^d^pps officer should be punished for doeing his duty (by turning the Tables the Case will be my Own). I will not trouble you w^th^ Exposeing the Malice of the fellow in this Particular; who was but too conscious of his Own Demerits. Col Warde was told th^t^ his Lands were Escheatable. He came to me & asked my Opinion of the Matter; but Upon produceing the bequest of the Deed: the same & of his own hand Writing, w^ch^ I send you here inclosed (a Copy from off the Com^rys^ Records was lost in Mann) I thereupon told him th^t^ I thought his Lands not to be Escheat; but th^t^ he Ought not to depend upon my Judgm^t^ but Advise upon it. He afterwards he told me th^t^ he found his Title to be very good. Thus much Gen^t^ I thought fit to say in my own Justification, & th^t^ it was not out of Any Caprice or Slight of his L^d^pps Officers, or Affaires, th^t^ I have debarr'd Geist the Office. And for fear of Any Injurys don unto his L^d^pp. I have Ordered A Generall List to be made Out of all the Warr^ts^ granted since my Time & Resolve to collate them w^th^ the Records of Certificates, the Certificates & Patents, as well as w^th^ the Agents Acco^ts^; Whereby

every Slip or Mistake on the Records will be detected. It is a Work of some Time but shall be dispatched as soon as possible.

Gen^{l} I acquainted you in my last, th^{t} for fear of disobliding the Northern Indians, I had not as yet Published his L^{d}pps Instructions for seating the Northern Parts. I shall travill up there on tuesday or Wensday next, & Design to Attempt something wth those Indians; at least will Endeavour to prevail wth them to come down & treat wth our Govern^{r} at Annapolis. You will please to see What Care S^{r} W^{m} Keith takes of them, by the Inclosed Copy of the Reserve Warr^{t} for 75000 Acres sent you in my last. You will now receive allso Among the York papers, An Acco^{t} of a Purchase made from the Indian Sachems (the copy of that Purchase is No. 1) by the York Governm^{t} of the Lands on the West side of the Deleware, near the head thereof, & to the Northward of the Line of 40. M^{r} Charles Carroll in like manner purchased from the Indians A Lycence to take up his Tract of Land, in the ffork of Patowmeck & Monockkesey, & it seems Necessary before we give any Pub. Notice th^{t} some Measures be taken wth those Indians; who are by Reason of their Scituac$\overline{\text{o}}$n & Trade much better Acquainted wth the Pensilvanians than wth us, & may by them be set to do Mischeif, Unless we make some Treaty wth them About Extending Our Settlem^{ts} into the Woods, Where no Englishman hath as yet Planted.

Reports are so Various About Our Mine at Susquehannah th^{t} I dont know what to make of it; but tis generally said th^{t} they have given Over Working upon it, Only they keep 2 or 3 Menn in Sereh for the Vien. Others pretend to say th^{t} they have found the Vien, but desist wth Design, untill some Measures be Used to secure the Land.

Gen^{t} the Regulac$\overline{\text{o}}$ns ffollowing w^{ch} seem Necessary to be made in the Managem^{t} of Land Affairs are humbly submitted to y^{r} Considerac$\overline{\text{o}}$n :

first th^{t} it be a Condic$\overline{\text{o}}$n in all Conditionall Warr^{ts} th^{t} the Lands so taken up be planted & Occupied wthin 3 : 4 or 5 years After the Location of such Warr^{t}. Secondly 2 : 3 or 4 years be limited for the Issueing of all Grants of Lands, the Escheat, Purchase, or Composition for Surplus Lands to be p^{d} wthin the Time of such Limitac$\overline{\text{o}}$n, Otherwise to be ffree for any other person to take up again ; unless upon Petic$\overline{\text{o}}$n Unto y^{r} L^{d}pps Officer for land Affaires a Sufficient Reason be shewn as heretofore ; by which means the Business of the Office will be greatly Expedited & many Abuses prevented.

Thirdly th^{t} it be proposed unto his L^{d}pp & if he think it Reasonable th^{t} a New Condic$\overline{\text{o}}$n be Annexed unto the former Condic$\overline{\text{o}}$ns of Plantac$\overline{\text{o}}$ns ; th^{t} all Other Mines Except Iron, w^{ch} is more or less all over the Countrey, as to Lands yet Untaken up, be reserved in the Grants, in like Manner as the Royall Mines.

Some of my Own Lands being under A Dispute, of w^{ch} I cannot properly be a judge, nor th^{t} it may seem proper to grant any Lands to my self, as you will see by the Inclosed Paragraph or Article of M^{r} Carrolls Instructions Anno 1712, I begg the same may be don in my ffavour, as well to the hearing of Disputes as to the Granting of Lands. The Person proposed is Either his L^{d}pps Agent for the Time being : M^{r} Henry Darnall, Rich^{d} Bennett or any One of his L^{d}pps Councill.

Gen^{t} Disputes from the Mine Countrey are very Uncertain & this Only is Certain th^{t} our Woods are full of Mine Hunters. we Want Skillfull Men ; & forasmuch as the Hon^{r} is don me of comeing into the Copartnership, it seems very Reasonable & Advantageous th^{t} upon the Opening & Discovery of Any

Valuable Mines of Lead, tin or Copper, th^t^ I should have the Power of Contracting w^th^ such discoverer, so as to make the Mine our Own, Allowing to every such discoverer, a Proportion of their own discovery ; by w^ch^ Means we may have under our Managem^t^ the greater part of the Mines & may then Work them at Pleasure according to their Goodness. Great numbers of Mines or tokens of Mine are ffound : the difficulty is in the ffinding the Principal Viens ; w^ch^ I take to be Owing to the Ignorance of the Miners. I shall set Out Tomorrow or next day. the Dispatch of these Letters hath p^r^vented me, else I should have been among them before now. I send by this Conveyance 4 sorts of Oar brought me since my last ; w^ch^ please to Make An Essay of. I have a great opinion of the Reddish Sort ; it is brought from Potomeck. The Other Pebbley sort is lead or silver, & is near at hand if good. I Must likewise Advise th^t^ my Great Expectac̄ons as to S^r^ W^m^ Keiths Mine Begin to grow Languid. I have been very Curious in Enquireys About the Lat. but see little Probability of its falling on this side of the Line of 40. I wish I had a small Instrum^t^, I would soon make a tryall thereof. As soon as I return from the Mine Countrey, You shall have a particular Acc^t^ of all such discoverys as can possibly be made by

Gen^t^ Y^r^ Most Obedient Serv^t^

PHILE. LLOYD.

Not having compleated my Representac̄on of S^t^ Augustines Mannor, I send you a Copy of M^r^ Heaths Petic̄on upon his refusall to joyn in the Examinac̄on of Evidences, & some Observac̄ons thereupon.

PHILEMON LLOYD TO ——.

[Personal Explanations.]

Wye River July 30th 1722

Sr

My last to you was pr Capt Spencer wherein I acquainted you wth Sundry Occurrences in the Managemt of Our Pub Affaires. this now pr Capt Letton Entreats yr ffavour & good Offices, in Case any thing should be represented by Esqr Birchfield agt me. Tht Gent hath a great Many fine winds (?) & turns in his Business, many more than can be called Honourable, for at our last hearing at the Chanry Barr Where his Injunction was dissolved, he, by his Councill proposed tht satisfaction should be made me, provided I would allow him a little Time to get the Money; & Endeavoured by tht Artifice to get the hearing postponed for tht Time, & have kept it on the foot of the Instruction for Another Court. My Councell advised me of the Motion. I went Imediately over the Bay, Upon his Answer was, tht his Councill had mistaken him. Allthô I had it from his Councill otherwise. The this Artifice if my Councell had given into it, would [have] hung the Cause still in Chanry & it may be for the hearing of Another Chancellr As some prsons

I entreated the ffavour of Capt Man, tht in Case you should be Apprised of any Complaints agt [me] as to the Managemt of my Office, tht you would be pleased according to what follows, to sett that Matter Right. I do Assure you have the naked Truth of the Thing, & tht the ffoundacon of any Complaint agt me hath been the preventing the Abuses don to the Poeple: & even to my Ld too, by such as claimed A Right to

the Records; but the Duty of my Office & my Own security too, Oblidged me to take such Measures, as would most Effectually prevent the Corrupt Practices then creeping into the Office; for if my L^{ds} Officers under the Colour of their Office might have the liberty of Destroying Poeples Estates for A Small Bribe to themselves, the Countrey would soon be put into A fflame & my self made a Sacrifice. I turned Xtian Geist (who was Coz Henry Lowes Dep^{ty}) out of the Office, for Undertakeing to take a Patent of the Records for 6 Pistoles. His Own Answer in an Appology made by Way of Remonstrance is a tacite acknowledgm^{t} of the thing; allthô setts it in a different Complexion, than What it was shewn me in; for if One demands the Purse of Another Man & be afterwards convict of it, a Plea will be thought very frivelous th^{t} setts the thing out as A jest; & not a felonous Design of Robbing the Man. No better is it for M^{r} Geist to say, th^{t} he bid Davison tell Griffith th^{t} he was to have 6 Pistoles for takeing such a Patent off the Records, to teese & jeer the s^{d} Griffith Only. The ffact it self, the Poeple too concern'd in it wth him have a Melancholly Aspect. Riddlyden as ffamous a Convict as any in Maryland; D^{r} Davison as deserving as he (having been Convict & at sundry Times Arraign'd for Perju[ry and Sla]nder, once try'd for Burning I had been teas'd at Sundry Times about the Affair, thô in Another Manner, by Davison advised wth me how to resurvey a Part of A Tract of Land includeing the Surplus. The Man would take Answer; & would not Understand, alledging th^{t} the Owner w^{ch} was a Wid. woman would not Consent to the Resurveying the Division Line. I told him as the Line was com̄on to both she could not prevent it, & th^{t} I would grant him such a power & should not be Opposed. In short I found it was not so much his Own as the Widdows Land &

house he was so sollicitous off. Riddlyden was a fit tool for such a piece of Work; & as a p[r]tended friend went to find Out her Title. The Woman haveing no knowledge of her Last husbands Papers could not readily find her Patent, & after 2 or 3 Enquireys, ffinding [the] Patent not to be had, they concluded it to be lost, & if the Record could be razed or any ways defaced, she would not be able to make Out A Title, & he might purchase her Lands of my L[d]. being so convenient to his Own. For this p[s]. of Service Geist as the thing Appears was to have 6 Pistoles; for nothing less could meant by takeing the Patent off the Record, for if the Copy only were meant, Davison might have saved his ffee to Riddlyden, & had his Business don by the Proper Officer for 50 or 60 pounds of Tob.

This Alone was a sufficient Warr[t]. for me to forbid Geist the Records; & were it not th[t] I knew how he was recomended, by his L[d]pp. I should have don my Endeavour to have had him dismist his Employm[t]. this Discovery hapned upon the back of Another p[e]. of Rougery, as you will see by the inclosed proceedings Ag[t]. his Clk. Who (if as all concurring Circumstances will have did not only deface & tear the Record for his ow[n purp]ose but [destr]oyed 2 &c. Writ upon the same leaf in the book. however Mr. Geist being one of those the th[t] signalize themselves in being my L[d]. Baltemores friends, was much pitied, & my self Censured for denying my L[ds]. Officer the liberty of his L[d]pps Land Office. The fellow to make his Case the better & to conceal his own Roguery, Invented a Scandelous Story of me, as if I had forbid him the Office, because he had discovered Col. M L Wardes Land to be Escheat, & to p[r]vent farther discoverys. As it followed from th[t]. Position, I had deny'd my L[ds]. Officer the Liberty of the Land Records, Whereas in Truth no discovery at all could

be made of Escheats by the Land Records. But notwthstanding at the same Time th^{t} I forbade him the Records, I told Geist th^{t} whenever he required it, he might have any Manner of Business out of th^{t} Office th^{t} was for his L^{d}pps Service; & th^{t} if my Clks did not dispatch him, upon Complaint it should be Amended.

But the fellow could not have fallen upon an unhappier Topick of Complaint ag^{t} me, for as in th^{t}, so have I in all other Matters relating Unto the Office Acted Religiously both to my L^{ds} & to his Tenants, insomuch th^{t} allthô some Poeple have complained, yet no man ever saw fit as yet to Hazzard a suit in the Courts at Law, for revokeing any Judgm^{t} or Decree past by me Jno. Hyde, Col Warde, as I perceived, had been if his Land was Escheat; & I believe as far as M^{r} Geist & his ffriends were able it [wou]ld have been taken from him; had not Harry (who they were oblidged to Apply Unto for Setling the Price) had not prevented it by Informing M^{r} Warde thereof. He came to me & shew'd me his Case. I told him very ffrankly th^{t} I could not see his Land to be Escheat, but Advised him to consult the Lawyers upon the Clause of Cap^{t} Murpheys Will by w^{ch} the Land had been divised. He did accordingly & was assured th^{t} his Land did not Escheat.

I heard no More of the Matter untill the Present Att^{rny} Gen^{ll} was so kind to tell me of a Scandelous Story, th^{t} was raised of me & told Publickly at the Govern^{rs} Table. I am Affraid that Gen^{t} is something too forward in Listening to the Tale of such as bespeak themselves to be my L^{ds} friends. I did indeed Ask the Govern^{r} about it, but he passed it off as a peice of forgetfullness, allthô he was afterward (upon handing to me Geists Memorial, Wherein he tacitely Acknowledged the Case of the 6 Pistols) pleased to say, th^{t} he believed th^{t} Geist

& my Clk had been playing into One anothers hands, & at lenght fell to quarrelling about the Stakes. But I shall be Easily Acquitted, if I were not otherwise Secure agt such a scandelous Imputacon. in setting of Col Wardes wch will serve As a ffoyl to set Integrity in the former. Had his Ldpp grant anew the Land &c. unto Col Warde bought of yr Self. He Applyd Unto me for such A grant as did not only amend the Error & mistakes in the former, but would allso have comprehended all the Vacant Land upon the Ile. My Orders were Positive for it; had there not been a Limitacon Annexed unto them. wch put the thing upon my own Judgmt & Candour. I told him tht I did not perceive anything in the Course of tht Affaire wch discovered Any Inclinacon or Design in his Ldpp. to give more than he had bought, or was contained wthin those Pattents, the Amendmt Whereof was my Orders; & being aware tht there was Surplus Land upon the Island, I therefore Ordered Col Warde to resurvey the Whole & deducting the Quantity of the former Patents to compound for the Remainder & then to have a Grant for the Whole.

After this No man will beleive tht I could have any Inclinacons, to serve Col Warde agt the Duty of my Office; much less to have turned my Lds Officer out of his Office wch must needs have been very disagreeable to his Ldpp; wthout having a very good Reason for it. But no Man can live wthout Enemys. My strickt Adherence to my Duty at the Severall Pub. Stations I have Acted, hath gained me more than any thing else & particularly, in the Ld wherein my Adhereing unto my Ldps Interest hath made me many Enemys.

Sr In my last I advised tht Jurys were oddly Managed in Cæcill Coty & tht Influence upon the Affaires in those Parts was inconsistant wth his Ldps Interest. & if so to make their Court wth my Ld would gldly Sacrifice my Rights in tht or Any

thing else to their boundless Ambition. I had never purchased any Part of th^t^ Mannor; had I not been well Assured of the Justice of it. & th^t^ it did no Otherwise Interfere w^th^ my L^ds^ Interest, than as M^r^ Heath was pleased to make Use of his L^dpps^ Name to Secure his own Interest & Claime to Sundry Tracts of Land w^ch^ he had Unwarily taken up w^th^in the Bounds of th^t^ Mannor. I think nothing can Expose a Man more than Deceiptfull Influence & double dealing.

The first Charges w^ch^ M^r^ Heath brought ag^t^ our Grant were th^t^ it was Surreptitiously Obtained & th^t^ it was defective in the Bounds thereof; either of w^ch^ is fatall to the Grant itself; & lastly it is said to be of dangerous Consequence unto his L^d^ppps Claimes Upon Deleware; in having Acknowledged An Equitable Right to be in the Poeple th^t^ Planted there w^th^out his L^d^pps Lycence or Authority. This indeed, if truly stated, may be some illconveniency unto his L^dpps^ Affaires, but no ways th^t^ I can understand destructive of the Right of Grantee, w^ch^ is the thing M^r^ Heath would be at, for be it no ways Affected by the unwary or superfluous clauses in th^t^ Grant. My L^d^ Baltemore about 4 years ago, & in Order to discover the defects & Inconvenienceys of this Grant, if Any such there be in it, laid his Comand Gov^r^ Hart M^r^ Henry Lowe M^r^ James Heath & my self to be laid before his had been the letting his L^d^pp into the Right Way. but this M^r^ Heath Utterly refused. Coz. Lowe promised to Advise thereof. For my part I thought it to be improper for he was a Party to do it. I declined it allso out of Modesty; but M^r^ Heath as I presume gott Order from my L^d^ & upon th^t^ an Ex parte Comission out of the Chan^ry^ Office, alledging it to be for his L^d^pps Service to Examine Evidences upon the Eastern Bounds of Bohemia Mannor, as the Western Boundary of Bohemia Mannor might be Affected thereby. A strange Turn of Affaires.

A Wonderfull Change! from 2 ffundemental Charges ag^{t} S^{t} Augustines Patent, & Another Argum^{t} cried up to be as bad taken ab Inconveniente, to degenerate into a Regulac$\overline{\text{on}}$ of the Boundarys only, instead of lookeing at the Legality of the Grant it self. But granting this Regulac$\overline{\text{on}}$ proposed & Examinac$\overline{\text{on}}$ of Evidences upon the Eastern Bounds of Bohemia Mannor, To be of Service Unto his L^{d}pp, as M^{r} Heath advised both the Govern^{r} & myself, Why will he not make it Appear how, or in what Manner the doeing it will be for his L^{d}pps Service? If he be so capable of serving my L^{d} why will he not discover his capacity & Zeal by his Service? Really I ffancy the old Gen^{t} to delight most in Private & retired Ways & th^{t} the sunshine is grown very Offensive to his Eyes. I therefore Petitioned the Govern^{r} th^{t} he would please to appoint a Time for the makeing a representac$\overline{\text{on}}$ according to his L^{d}pps Comands. Ap^{ll} provincial Court was the Time pitched Upon. M^{r} Heath had all the Advantages imaginable on his side: he had long considered & digested what he had to say: he had allready Examined Evidences according to his Own scheme; & what ffarther Designs he might have I know not, but I find they were such as would not bear the Test here in Maryland. Annapolis was too near to Bohemia; & to bring Evidence where they might be confronted, by Other Evidences of better Credit, as well as Positive Records, he did not think to be for his Advantage. He therefore put of the Matter upon the side of Health, allthô well Enough to ride About the Countrey upon his private Occations, as I am very well informed, & thus avoided this meeting by the Govern^{rs} Appointm^{t}, as he had before declined a Complyance wth his L^{dpps} Com$\overline{\text{ands}}$ in the same Case.

Things being thus circumstanciated, I find I cannot avoid reflections, & it may be, deemed to have a bad Cause in hand,

because M^{r} Heath will not let it come to an Issue. I therefore resolved to do something on my own Part. I had allready disobeyed his L^{dpps} Comands out of Modesty, beleiving th^{t} my Coz. Lowes notices of M^{r} Heaths resolucon not to joyn would have held me Excused, Wthout being Obliged to make an Ex-parte Representacon of my own Case, & so lay me lyable of having said or don for myself. But now to Avoid Any farther Dilinquency of the like Nature, I resolved, lest M^{r} Heath by his Silence & Cunning should defeat me a second Time, to make a Representacon of the S^{t} Augustine Affaires in the best Manner I was Able. But I would not depend upon my Own judgm^{t} solely. I therefore requested M^{r} Heath by Letter (of w^{ch} a Copy is sent home Unto my Masters) to let me into the knowledge of such things As related Unto his L^{dpps} Service & Interest touching S^{t} Augustines Mannor; & the Gen^{t} would have avoided it by ffrighting my Messeng^{r} wth a long Stay if he Answered Mine According to the Purport of it. But as soon as he understood th^{t} the ffellow had Orders to stay for an Answer be it never so long, he then doubl'd upon me again, & let me know th^{t} the Meeting me at Annapolis, would Answer all my Demands, but another Letter of Excuse for Want of Health, alltho' he was Actually As I have since learnt, Upon S^{t} Augustines Mannor & a takeing Up 1200 Acres of Land wthin the Bounds of it severall Miles from Home.

I then filed A Bill in Chan^{ry}, the Only legall & Regular Way of Examining Evidence in Perpetuam Rei memoriam. He was cal'd up to joyn wth me & pleaded this July Chan^{ry} Court; but the Gen^{t} did not think it for his Interest neither, & so refused to Appear in it, farther than by a base peice of Practice, w^{ch} I doubt will come too much in Ure among Us, to make an Interest at Court, for defeating me of my Councill.

himself Oblidged, Virtute Officii attatched Unto my L^{ds} Affaires. this he Owns in his Peticon his Own Affaire; & yet would have had M^{r} Bordley Engaged long before he was spoke to by him, to serve his private turn. As he had before Whilst in Office Undertaken for my Lord. But if it be My L^{dps} Case & really for his Service, why did he not Peticon for the Present Att^{r}ny Gen^{ll}, for they are both at Councill wth me. By this it Appears th^{t} it is M^{r} Heaths, & not my L^{ds} Case th^{t} moves up all this Stirr About A Grant, th^{t} hath layn in a Peaceble & Quiet Condicon for a great number of years.

For if it were for my L^{ds} Service in July last when M^{r} Heath Obtained a Comission for Examining Evidences Unknown unto me, can Cases shift sides, & the Examinacon of Evidences this p^{r}sent July less for his L^{dpps} Service, than it was last year re infectâ, & now th^{t} he be called upon to joyn wth me, in doeing the same thing w^{ch} he was so sollicitous about a little before? If it were for his L$^{dpps.}$ Service then much more will it be so now th^{t} I am about to make longer & more Extensive Enquireys about those Bounds. But the Gen^{t} is too selfish: he is intent upon his own Business only, & cannot think of serving my

his Own Interest is not concerned & Interwoven wth it. Otherwise he would not joyn th^{t} wth me in a Legal Manner his own proceedure (by presidents of the Chan^{ry} Court Void & insuficient in Law) w^{ch} he hath offerd do mine. Wherein his L^{rp} is much more concerned all th^{t}

p^{r}tended to about St. Augustine his L^{dpps} Claimes I meant unto the Lands upon Del. Bay up to the 40 Degree of North Lat. There are two things particularly involved wthin the Circumstances of this Dispute. w^{ch} Relate very particularly unto the Affaires of the Claimes; by them it will appear th^{t} Either M^{r} Heath doth not Understand, or at least doth not think Iustly of them.

For if th^t^ Gen^l^ would have joyned cordially w^th^ me, alltho I know not if I may Want his Assistance in takeing Examinacons touching the Eastern Bounds of Bohemia Mannor, should have discover'd by such Antient Poeple as are still Alive, th^t^ there was not one strait Path or Road th^t^ Passed to the Northw^d^ between Chesepeak & Del. Bays, more than 40 years after the Grant of Maryland. But M^r^ Heath may reply th^t^ this is not to his Purpose, but th^t^ it will make Ag^t^ him. I know it very well but shall not therefore desist in my Designes, nor can there be any greater of the Lands ffoundacon upon w^ch^ the Order in Councill of 1685 is built Viz. th^t^ the Lands in dispute upon Del. Bay were Inhabited & Planted by Xtians at & before the Date of the L^d^ Baltemores Grant by such proof to be Manifest, th^t^ from New Castle down Unto the Whorehill w^ch^ is Accounted was not One single Xtian Inhabitant Whorekill it is true was planted but th^t^ will depend upon Evidences of Another kind, to shew how th^t^ Place was planted after the grant of Maryland; how cut off & left desolate, & not replanted Again Untill after the takeing of Deleware by the English in 1664. But what I think yet more strange in th^t^ Gen^l^ is in th^t^ he hath barely refused to joyn w^th^ me in a Comission to Examine Evidences as af^d^ but the great Mistake he proceeded in, by Useing his Possible to prevent me in having Any such Comission at all; for by this means his L^dpp^ Would loose Sundry Evidences th^t^ are not to be had upon any other Acco^t^ Whatsoever. The Design must wear the Disguise of the S^t^ Augustine Boundarys; for to Enquire after the Antiquity of the Roads, & the first Planting Upon Del: is like beating the Wind: some Poeple will be Afraid of their Interest, Others are Curb'd from Above: but by sticking close to the Recherche & Antiquity of the Bounds of the 2 Mannors, we may draw in as much as is

Necessary or can be had of the other. If M^{r} Heath thinks Any thing of this; he will not come into it for the Reasons Above; & for th^{t} by it, I shall fix a Perjury upon all those Profligate fellows th^{t} were hussled in, to make
Road of later standing, to be the Only Path made by the Indians before any Xtians Inhabited the Parts: & the Comon Western Boundary unto S^{t} Augustines Mannors.

The other thing involved in the Dispute of the Claimes is relative only, As M^{r} Heath is pleased to make it, unto th^{t} Dispute: th^{t} is: the Reservacon made in the Grant of S^{t} Augustines Man^{r} of an Equitable Right to those Lands they had heretofore Seated upon Deleware Bay; & wthin the Limits of th^{t} Mannor, w^{ch} M^{r} Heath saith to be Dangerous & of Evill Consequence unto those Claimes; but I on the other hand Say th^{t} it might have been dangerous if such a Reservacon had not been made. At least the late Charles L^{d} Baltemore thought it prudent to do so, for fear th^{t} Lands confirmed to the Poeple by a Pub. Treaty, or lands afterwards granted by the Duke of York & forcibly taken from them by my L^{d} might have given disgust Unto the Court, w^{ch} my L^{ds} Ancestors Industriously avoided. I have the Articles of Surrender stipulated between the Dutch & English at the Reduction of New Amsterdam & Deleware Anno 1664; the XI Article Whereof is: th^{t} the Dutch Who were minded to stay there should Possess & Enjoy their Inheritance according to their Own Usages as heretofore. I think a Question is to be made of it, but th^{t} Articles of the like Name were Stipulated upon the

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of a Pub. & Nationall Consent; however of their Acknowledgm^{t} of his & Dominion over them, to have don Other

ways might have been of some Advantage Unto Herrman, but hazardous unto the Proprietor of Maryland. But why after all Mr Heath should refuse to joyn in such A Comission, as comes Inclosed I cannot Imagine. In fine Sr I take the liberty to speak it to you under the Rose; both this affaire & other things allso look wth a strange face. Some Grudge & Designes too, I ffind agt myself & My Ld suffers up the Bay, I fear, by Encouragemt given unto Poeple tht Oppose Mr Vanbebber & my self in the Affaire of Our Mannor, & from many Coldnesses wch I beleive proceed from my freedom in speaking about Mr H——ys, who to speak the Governrs own Words to Sr Wm Keith & others is but the he more than once said before Col. Addison, Col. Tilghman & myself, tht he thought the Gent neither fit for Counsell, neither would he take Counsell of him, some Persons must needs have odd thoughts when they see such a person cheif & Councillr as most Poeple take him to be, but tht wch surprises me most is tht in May last of 10000 Ars of Land to be laid as 2 Ld Baltemore

wthin 2 or 3 days I am bound up there upon finishing my Lettrs & first matter to the Governr he seemed pleased wth it. Some person I am perswaded are Jealous of my service to my Ld & had Rather Sacrifice his Interest then tht it should secure my his favour. For my Part I have ever had a Difficult game to Play; I was crampt & slighted by the late Manistry because I could not fall into all their Measures. the Tables seem now to be turn'd upon me. Again there can be no good from the Counsells of 3 or 4 persons tht are said to have the Governrs Ear in A particular Manner. One of those Mischeivious Agents I mean Esqr B——ld left Town 3 days Ago, some Others were as far off. Some Poeple are made

Jealous because some Other People cant help Talking. For my Part it hath ever been & shall be my greatest Care. so long as I have the Hon^r to serve my Lord to keep things in a proper Channell if my L^d be faithfully served, & thereby Enabled to receive the Just dues of the Governm^t & shall much longer well serve w^thout measureing how much be by other Persons Abyss th^t no man can ffathom for retaining p^rsons th^t have blighted my L^d prop^rs Governm^t than any other: but I soon have something more than Resenting Private Revenues to be the Causes of On alterac̄ons in Governm^t lest the success should not Answer Designs of those th^t are the most Zealous of his L^dpps Interest & Authority over this Province. Pardon S^r these Observac̄ons upon the Times, & if Anything should hereafter recall them please to look upon them as Reflections of one who is a zealous Admirer of the goodness of the

I am your Oblidged humble Serv^t

PHILE LLOYD

PHILEMON LLOYD TO THE CO-PARTNERS.

[Indians. Northern and Western Boundaries. Encroachments of the Pennsylvanians.]

Oct^r 8^th 1722

Gen^l

In my last to you ꝑ Cap^t Burton; I took the Liberty of Imposeing a great deal of Trouble upon you, in a long Epistle, w^ch however I am in hopes will in some measure be held Excused; as it related, either to my Office, the Advancem^t of the Countrey, or to your own particular Interests, wherein I have been the more prolix, as I studied plainess; & the giveing you

a Compleat Understanding of the severall things I treated upon. You must give me Leave allso to remind you of what I writ Concerning the Laying of Reserves. I acquainted you of one Large one, th^{t} I had made, and of others designed, & entreated y^{r} ffavour wth his L^{d}pp, to Confirm them & to give me a Power to lay other Reserves, as I should see occation for the Time to come, w^{ch} I think very necessary for our Comon advantage, for I may be advised of a Valuable Mine, Say of Tin, Lead, or Copper, & before I can make any further Enquirey; some peering fellow may ffind a better Vein of the same Mine, thô at some distance, and so take it up; for prevention whereof I humbly propose th^{t} such a Power may be Lodged wth me.

In my Last to his L^{d}pp, I humbly represented the Conveniency, of an Interview wth the Northern Indians, & more Especially wth the Susquehannahs who seem to have the more Imediate Claime to such parts of the Countrey as seem most necessary to be seated, for the Present. The way of treating wth the Indians is allways by p^{r}sents; & I have Observed th^{t} when they come down to treat wth our Govern^{r} & sued for any particular ffavour, or Stipulated any Article, they do it by a Present of skins, According to the nature of the thing; and thus they do, article by Article, as the Treaty goes on; but the most remarkable Instance of this kind is taken from off our Records, in relacon to these Susquehannah Poeple; who being drove away from their Town, and beat out of their fort upon the head of Potowmack, were afterwards upon their Submission, and Application made for Lycence to come in, promised safe Conduct; yet they Postponed the Affaire for some months, alledging th^{t} they were poor at th^{t} Time & must hunt first, to gett some skins, to make psents of, w^{ch} according to their way of Treating, was Essential to every Article. I beleive it will

not be displeasing to see something of their Manner; I have therefore Inclosed A Copy of a Treaty wth a nation of the Sinequas.

Upon all Treatys between us and the Indians, p^{r}sents have been Alternately made, According to the Quality of the Article Agreed upon, as was practiced by my L^{d} Baltemores Comiss^{r} sent to Albany Anno 1677. So hath it been allways ffound, a safe and suxsesfull Way, to purchase the Indians Right to Lands th^{t} are remote, and where any Considerable Settlem^{ts} have been made. It hath been likewise Observed th^{t} the Indians never did any Mischief on such Lands, whereof the Right had been at any time paid for. I therefore humbly propose unto his L^{d}pp, th^{t} some Treaty be had wth the Susquehannahs &c. upon th^{t} head. If his L^{d}pp is pleased to lay his Comands upon me, I would ride up Among them; th^{t} is the Susquehannahs, the Showans (who are a Considerable nation of the Southward Indians; and have a Large Town at the Divideing of the Main Branches of Potowmack, as you will see upon my Mapp: a Canton whereof, is now upon the Susquehannah) the Connoyes & the Oneydes allso; who are to be met wth all about 30 Miles Above Connestogoa, and if I can ffind any Inclination in them to Suffer us to Seat Peacebly the Remote Parts of the fforrest, they may be required to come down for the greater Solemnity of the thing, & receive such Bounty, as shall be designed the heads of them from our Governm^{t}. Besides, upon notice given hereof, a great Man may Possibly come from Every Town of the five Nations, who by partakeing wth the Susquehannocks, may add the Greater Security to any of our remote Settlemst, as well as to all such Undertakeings, as shall be thought fitt to be carried on for the Working upon Minerall Oar. I have therefore Inclosed a Copy of an old Indian Purchase made by the York Governm^{t}, which I take

to be no other Rule in the Case but to let his L^dpp see th^t such things have been don, and that Success may be Expected from it.

I do Assure you Gen^l th^t something of this Nature, is very necessary to be don; for now, th^t we are about Lycencing our Poeple, to make Remote Settlem^ts, we must likewise use the Proper Measures to protect them; for the Lands next above our Settlem^ts upon the West Side of the Susquehannah, and all along upon the West side of Baltemore Co^ty, are Cutt off & Seperated from the Present Inhabited parts by large Barrens, many Miles over; So th^t as yet, the setlers there can expect very Little Communication w^th us; yet if they should be Cutt off & Murthered by the Indians we must Insist upon Satisfaction for the security of our p^rsent Outer Habitations; w^ch may Involve us in a fatall Warr. But by this Means of Purchaseing those Indians Rights, we may think our selves pretty secure, as well from those Indians themselves, as from any strange Indians th^t shall traverse those Woods.

I must farther Add to my former propositions, th^t as to the Encouragem^t for the Hemp Manufacture, his L^dpp will ffind his Acco^tt in letting his back Lands very cheap; th^t is, by Enlargeing the Time for makeing good Rights. I send you here inclosed an Order in Councill for the Encouragem^t of Seating the Lands near the Whorekill. The seating the Remote Parts of Maryland to the Westward carries a greater Appearance of Advantages w^th it, in my Opinion, then the other; for w^th out Encouragem^t Poeple will not go so far back as between Monoccasie & Connatachequa, as you see those Creeks Lay'd down upon my Mapp of Potowmack, Where I am told is a Vast Quantity of fine Land. But this Eastermost Side of the Monockasey, is the ffirst place th^t will Naturally be planted, and thence up along the Line of 40, if we can but

secure our Poeple there, & th^{t} by the help of an Instrum^{t} we Can but ffind where or near About the place where th^{t} Line of 40 Lyeth. But from the Heads of Patapsco, Gunpowder, & Bush Rivers, over to Monockasey, is a Vast Body of Barrens; th^{t} is, what is called so, because there is no wood upon it; besides Vast Quantitys of Rockey Barrens. If this Place were well Seated, it would be a good Barrier unto the Province on th^{t} Side, & doubt not, but that it would in a few years, bring on the Planting of th^{t} other Vast Body of Rich Lands, th^{t} lyes something more to the West-ward; and would likewise secure our Countrey ag^{t} the Claime of the Pensilvanians on the North side; for we are allready Seated to the Northward of th^{t} Line, w^{ch} I lay down for the true Location of Pensilvania upon the Back of the 12 Mile Circle, as they have encroached upon us to the Southward of th^{t} Line about Octeraro, & to the East-ward of it, w^{ch} seems to be occationed by our own too great Supiness; & makes me so desirous now, of Seating farther up the Susquehannah; and if his L^{d}pp should be pleased to grant 7 or rather 10 years Time for the Payment of the ffines for Lands in those remote parts; he will, I verily am p^{r}swaded, have his back part of his Countrey Seated, by more than 10 years the sooner, & would be a good barrier not only against the Indians, but the ffrench & Spaniards allso in Case of any Rupture wth those Crowns; for if any Mines of Value should hereafter be Opened wthin his L^{d}pps Province, the Spaniards may renew their Claimes; or the ffrench Attack us on th^{t} Side; w^{ch} Can only be prevented, by the Well setling of those parts; for the Lenght of Time, for the makeing good Rights, will make the Poeple the Easier in the Laying an Obligation on them of Planting their 300 A^{rs} wthin 2 years after the Return of the Survey; w^{ch} will be more to his L^{dpps} Interest, than a Longer Time, or the Lands to be ffree for any other Person.

But to return unto his L^{dpp}; in Case the Rights be not made good wthin the 7 or 10 years proposed, this may seem to keep his L^{d}pp, for some Time out of his money; no Gen^{t}, this will Effectually bring Money & Rents too into his L^{dpps} Pockett; for Lands w^{ch} other wise would lye Waste, and his Countrey Unguarded; for I am told allso, that some of the Ledges of Mountaines to the Westward are Steep, Craggy, and Unpassable allso, Except at some particular Defiles w^{ch} may easily be Guarded. But of this, if I live Another Sum̄er, I will be able to give his L^{d}pp a better Acco^{tt}; nor is it proposed but th^{t} such as take Up large Tracts should make good Rights, as in other Places.

There are other Advantages, th^{t} will Accrue from Setling the Remoter Parts of the Province, by Conditional Warr^{ts} as above proposed: the Scotts Irish, & Palatines, after the news of so great Concessions, will I imagine fflock apace in, & Even some from Pensilvania it Self; & I beleive allso th^{t} his L^{d}pp, wthout any Discouragement to the Setling of those parts, may restrain such Conditionall Warr^{ts} in the Case of Mines, as he doth in his Leases of Talbotts Mannor, & seems to be Necessary to be don, in Case of Leaseing his other Mannor allso; especially those of North East and Elk, w^{ch} must needs be a very Advantagious Proposition, in Regard to the Mine Undertakeing, & not att all prevent the Planting of the Countrey, where Hemp, and not Tob. must be the Employment of the Poeple from whence no Tob can be rowled.

Gen^{t} I was show'd a Letter by my Bro^{r} Bennett of Oct^{r} the first, wherein I learn, th^{t} the Mine from whence I had the Gray Oar sent you p^{r} Spencer, is seized by the Philadelphians, who have Lately, transported many horse load of Oar from it, & th^{t} a Comp^{a} of Cornish Miners, Employed by S^{r} W^{m} Keith, had Run of it, and say, it is as good Tin as any in Cornwall.

The Place was unknown unto me, thô the Oar brought to my House for Tryall. The same person that wrote the Letter about it, told my Bro^r Bennett of it & Layd a Warr^t in his name of (I hear since, it is 150 A^rs only) 200 A^rs Upon it. As soon as I heard of it I layd a Reserve all round it. It is as I am told, for I was never at the Place, one Solid Rock; how Deep no Man knows, and of a great Circumference; but be it as it will, the Pensilvanians I perceive have taken Possession of it, and are as that letter farther Adds, building Works there. I shall be Able, to Inform you more of it; p^r Burton, who stays for some New Tob: and Proposses to Sayl the Middle of 9^br.

One thing Gen^t lately Occured to me in Conversation, w^ch highly deserves y^r Regards; it is concerning his L^dpps Title to the New Connought or Talbotts Mannor. I thought that Matter had been out of Dispute, since it was dropped by the Com^rs for forfeited Estates; but I now find a New Title set up, and a Descent said to be Cast upon the Heires of Talbott himself. This I heard very Dogmatically Asserted and Maintained by M^r James Carroll. I offered some Reasons to the Contrary, but ffound him so Warm and Positive upon the Matter, that I thought it more prudent to Wave the Discourse and turn it upon Another Subject, it being at a Public Table, and in a Publick Time; and at a Victuelling house where Conversacons are soon made Publick, & the Least report of such a Scruple would defeat all the Endeavours th^t Can be used, to make Sale or Leasses of th^t Manner.

It is commonly rumoured th^t M^r Charles Carroll had Orders from his Lordships Grandfather, to sell 10000 A^rs of that Mannor for the Use of M^r Talbott; but I allways took this to be of Grace, not of Right, and so it seemed to be; for the Grants issued in his L^dpps name to such as were purchasers

upon th^t ffoot. But from whence this New Turn proceeds, I cant Imagine; unless it be to obstruct any thing that may be don therein for his Lordships Service. So much of the Grounds of this New Started opinion, as I heard was of Col Talbott haveing been Convict & Condemned in Virg^a could not forfeit his Estate in Maryland.

This Case of Col Talbotts, I must confess is something particular. He Committed the Murther in Maryland and was Convict thereof in Another Governm^t; but this should not by any Means destroy the Sovereign Right of my L^d propr The surrendring the Person of Col Talbott to be tryed in Virg^a, was a Matter of Necessity: he had broke Prison and made his Escape from th^t Place; and the Kings Govern^t there Required him of the Dep^ty Governr of Maryland, as a Comander of a Royall Vessell in w^ch the Murther was Committed, had before Conveyed him there.

But the fforfeiture arose from the Murther, & the Murther was Comitted in Maryland. Shall my L^d therefore loose his Escheat? or if my L^d shall not have it, on whom shall the Escheat fix? If on the king, will th^t be Consistent to my L^ds Charter? if not upon the King, nor upon my L^d on who then shall it fix? or is it agreeable to our Constitution th^t ffellony of Murther should be Exempted from any forfeiture at all? the Gen^t Remember said th^t a Person Convict of any Capital Crime in England, did not forfeit his Estate in Ireland. I am not a Judge, how far th^t Gen^ts knowledge, in Law may Pass; but I can see a Vast Distinction between the Case of a Gen^t comitting any Offence in England, & being Convict & Condemned for it in Engl^d as to his Estate in Ireland. & a gent. Committing an Offence in Ireland, and being Tryed in England; w^ch Comes near to our prsent Case, for the Murther of Rousby was a breach of my L^ds Peace, from whence the

Offence Arose; and the forfeiture was Confirmed by his Conviction. For had the forfeiture Sprung from the Conviction, as the source of it, Something might be Argued Subtlely upon it in ffavour of the Heire; but seeing that the Offence was the Material Cause of the fforfeiture; & the Conviction, no more than a Medium in the Application of it, most Certainly, the forfeiture will fix w^th^ the murther; for upon his Arraignm^t^ the Charge to of the Jury was: "if you find him guilty you are to Enquire what goods or Chattles Lands or Tenements, he had at the Time of the felony Comitted; or at any Time since." It is no matter where the Conviction was: the Offence was Committed in Maryld; and from th^t^ moment of Time, the forfeiture com̄enced, of all goods & Chattels Lands and Tenem^ts^ th^t^ he was there possessed of at that time.

But however Strange the Gen^ts^ Opinion in Law may be to me, yet I Cannot forbear entreating the ffavour of y^r^ Enquirey, & Resoluc̄on thereon; for any fals steps taken about that Mannor, may be of great prejudice to my L^d^, especially if any Compulsion should be used, according to my Gen^ll^ Instructions; that in Case of Refusall to Submit unto his L^dpps^ Authority, his L^dpp^ would direct that the obstinate should be dispossessed. I know not how the thing comes to be started at this Time; I never heard a Syllable of it before; and will therefore Lodge it Among someother Mysterys w^ch^ Time only must discover the meaning of.

It was w^th^ much diffieulty th^t^ I prevailed w^th^ our Govern^r^ to let the Survey^r^ of Cæcill Co^ty^ have an Order to run out the Northwest Line of Talbotts Mannor. The Want of it when he was up in Aug^t^, as I hear, did us a great deal of prejudice. He would not then Grant it; there are persons about him who I believe Disswade from any Steps that way; and it may be are of an opinion too, th^t^ Time may Approve themselves to be

the fittest Persons to serve his L^dpp, in th^t Affaire; but if hast be not made in it, the Land will all be taken away, and Nothing left to Contend for. But haveing heard from above how th^t things was talked of among the Poeple, upon their disapointm^t in seeing th^t Line Runn, w^ch they had been in Expectac̄on off for allmost a 12 M^o, I thought it absolutely my Duty to press the Govern^r home upon it, and shewed him the Instructions I had rec̄d thereupon. At length it was granted me; & an order made to the Survey^r who was then in Town; but before I could perswade him to Undertake the thing, I oblidged my self, to Endempnifye him and to pay the Damage of his Confinement in Case they Carried him prisoner to Philadelphia, & he not protected by our Governm^t Our Credit is very Low th^t way, or else I should not have Asumed to take the Liberty I had used in my former Letters, I need not say any more of it. Our Poeple are Affraid to Serve the Governm^t the others see, it & reproach us for it—

I hear nothing of it as yet; the Survey^r gott up the Bay the Beginning of the Month; if he doth his Duty; it will in some measure raise our Credit, and will Convince the Poeple th^t we dare Run into Lands possest by them, in Spight of their Guardians & Dep^ty Guardians of their marches; as they Call them. But say the Worst of it, & they should Carry our Survey^r & his Comp^a away, there is no more than the Charge of the thing. They have Confessed, it under hand (I have seen it from S^r W^m & Iames Logan too) that our Courts in America have no jurisdiction of such Tresspasses; what then are we Afraid of? or why should he stand still w^thout the Least Struggle for our Proprietor? whilst the whole Countrey, at an Hours Warning, is up in Arms for theirs. It is the Rewards and Protection, they meet w^th that puts them upon what they do.

I long to hear what the Survey^{r} hath don. If they let him do his Office, we shall be Assured of that w^{ch} I have long Suspected, th^{t} they dare not take up his L^{d}pps Officer, nor any other Marylander, notwithstanding their Repeated threats, So far wthin his L^{d}pps Province on th^{t} Side, and so far out of their own; for they are not so well protected on this Side, as they Suppose they are on th^{t} next to Del Bay; but if they think themselves secure on th^{t} Side, because by an Order in Council those Lands are declared to belong to the Crown, thô in prejudice to an Elder Pattent, much more wee, who have the Support of the same Order in Councill for the Lands on the side now in dispute, in Corroboracõn of the Charter of Maryland, unto the 40 degree of North Lat.

Whatever Turn this Affaire may take, I know not; but must ffrankly give it as my opinion; that the Carrying away those Poeple to Philadelphia will be of great Service unto his L^{d}pp, for they must needs do such things wth regreat, as knowing the Danger of it; and if we give them further occations of the Like nature, they wont know what to do wth our Poeple. It must needs end in the Ruine of some of them, whenever the Boundary is setled. But besides this, it will be some Awe, or Restraint upon their further proceedings; and will at least, give my L^{d} Baltemore a very good handle to Complain of the Abuses don unto the Kings Subjects, his L^{d}pps Tenants many Miles on this side the Province of Pensilvania, where no Magistrate of th^{t} Province nor of the 3 lower Co^{tys}, hath any Power or Jurisdiction. Such proceedings, whenever his L^{d}pp shall be pleased to make use of them, or thinks it a Proper time to Assert his Claimes; must needs tend to his L^{pps} very great Advantage.

Gen^{t} I send you here Inclosed some Papers, relateing to his L^{dpps} Claimes and proceedings, Anno 1683, whereby you will

perceive, th^{t} my Late L^{d} Charles, was not Affraid to Assert his Right even by force. But as soon as the order in Councill was made, I ffind nothing more than that it was Ordered, the March ffollowing, to Maintain the Garrison at Xtina Bridge; for those Lands, being then Adjudged, to be the Right of the Crown, I beleive my L^{d} did not much Care for burning his ffinger wth em, and so remained Quiet; only the Garrison, was kept up & Maintained unto the Revolucon. But my L^{d} hath a better Right now to use force on this Side, than his Grand father had in doeing it on Del: side, because the same Order th^{t} gave them a Right on Del. Bay side, confirmed his Right expressly to the Lands on the Susquehannah Side. I would not thrust my self too busily into his L^{dpps} Affaires, more than becomes my Station; yet Cannot forbear saying th^{t} I think Westminster hall is the ffittest place to make out his L^{dpps} Title in. Things are so plain on this Side; nor is all upon Deleware of Equall Value wth what his L^{dpp} will loose by delays on the other Side, where the same order in Councill, th^{t} gives them a Title to the one, Expressly Confirms the other unto his L^{d}pp.

Their Transactions Seem to be nothing but Cunning and Design, backed wth fforce. They Insult, we bear it, and thus the Wheel goes round; and thus if we Let them alone they will Attatch the whole Countrey, & his L^{dpp} be nare the better for those Treasures w^{ch} nature seems to have Cast into his Lapp. The Affaire of the London Comp^{as} Land of 60000 A^{rs} I take to be little more then a Trick. The Land may be laid out for some body in Trust, who Wait wth Patience, untill it can be pluckt away from Maryland. If it had any Rightfull prop^{rs} it is much; they never Appeared in the Behalf of it. So it is of other great Tracts, taken up and held & Possessed to my L^{ds} great prejudice; and we only Lookers on, whilst

they have made use of the best Interest in the Province; and Certainly my L^{ds} ffriends too; for otherwise, I know not how it could be brought about to support a prevailing Party in such a Manner; among our own Poeple. But our Govern^{r} I beleive hath seen the Evill of it, & hath removed such as were professed Enemys to my L^{d}

I hear a great Crye of my L^{d} & my L^{d} and Such were Enemys to my L^{d}, but I can see such as have been, & Continued to be Enemys to my L^{d} carest & made Evill Instrum^{ts} of, to serve purposses w^{ch} I am sure th^{t} his L^{d}pp hath neither Inclinac$\bar{o}$n nor Interests in. Pardon my ffreedom, Gen^{t}, it was very galling to me, to see his L^{d}pp^{s} Authority Contemned, and his Magistracy Trampled upon, only as the Means, to dispoyl him of his p^{r}perty; & yet I had not Interest enough to prevent it, untill the thing became too notarious. There was a Design in it too, that I am Sensible of. But every faithfull Serv^{t} should Lay Asside his own Schemes, and forgett his own private Resentm^{ts} whenever his Masters Interest, must Suffer thereby. W^{ch} that all his L^{d}pps faithfull Serv^{ts} may make the Rule of their Actions, is the Sincere Desire of

Gen^{t}

Y^{r} Most Obedient
Humble Serv^{t}
PHILE LLOYD.

P: S:

Gen^{t}

Please to observe, th^{t} the Inclosed Papers, & Powers to Col Talbott, are designed only to prove, th^{t} Untill the order in Councill had determined in the Kings ffavour, the Late L^{d} Baltemore was no ways Doubtfull of Asserting his Right, unto the 40th Degree of North Lat., tho he was Cautious of being an Aggressor, allthô I ffind by the Inclosed Order of

Councill, on March the 5th 1685, that his L^dpp after th^t Order in England, sent directions for keeping up & Maintaining the Garrison at Christina, w^ch was in the very Heart of the 12 Miles Circle. So should I Advise to Act in all things Cautiously & to avoid giveing any offence on th^t side; but to keep our own ground, even where the Councill in England hath determined ag^t my L^d; but not to be Afraid of Asserting my L^d Rights on the other Side, as you may see by drawing a Line, upon the back of the 12 Mile Circle, on the Map sent home, more or less Westerly, yet Parallel unto the Meridian drawn thrô the Centre of New-Castle Town, w^ch is the Separation of the tract they pretend unto, if they are tied up to any p^rtentions at all, for instead of an Equal Part of th^t Tract, they have & Claime more then the whole Istmus of the Peninsula, w^ch According to M^r James Logan, in his State of the Claimes, Appears to be Effectually made by the Great Branch of Elk. & the Bite th^t bounds Westerly, just below New Castle Town & not above 10 Miles Distance from one Another. But should they take it to the Divideing of the whole Tract between the Susquehannah and the Delaware, w^ch I beleive they design thô asshamed to own it, (for thereby they take it in great part of the head of our Bay; and Abundance of Settlem^ts of above 50 years standing and some of more then 60.

Yet Nottingham & Talbotts Mannor, granting them all that, will fall w^thin the Land Adjudged to my L^d Baltemore as Comprised w^thin his Charter. Shall we then be Afraid to Assert my L^ds Right; where an order of Councill of Great Brittain Strenghtens and Confirms his L^dpps Title by the Charter?

Certainly Gen^t this way of Trifeling gives them Encouragement. For my Part, I see plainly, if we dont do something soon, they will possess themselves of all the Lands, above the

Oeteraro Line. I should be glad they would be Aggressing upon us; but our Poeple are so dispirited, for fear of Wanting Protection, th^t^ they will do nothing, nor am I assured, whether the Justice of Peace that the Govern^r^ directed to go w^th^ the Survey^rs^ will Attend it. If not all is Marred Again, for I am very Impatient to see what they dare do upon Talbotts Manor, w^ch^ whether it be my L^ds^ or M^r^ Talbotts, is yet w^thin the Certain Limitts of Maryland—

Gen^t^ Y^r^ kind representacon of the Peticon & Case of the New Munster Poeple, is Earnestly requested by them &

Gen^t^ Y^r^ Hum^l^ Serv^t^

PHILE LLOYD.

GOVERNOR BENEDICT LEONARD CALVERT TO CHARLES LORD BALTIMORE.

[Affairs in the Province.]

Dear Brother.

By Cap^tn^ Russell in August Last, I wrote to you, and gave you some Account of our Assembly proceedings in the preceeding month, and sent you also the Printed Votes of the Session; I now send you the Journall of the Upper house, the perusall whereof, with the said Printed Votes, will sufficiently inform you of the particular matters, therein Debated, with the mode and Circumstances of their final Issue.

I think I have little to Add, by way of Supplement to my Observations on those particulars, in my last letter, Except in one Instance, which the Votes or Journall may not fully apprize you of.

You will find a Bill for the Emission of a Paper Currency passed the Lower House, long Debated and much amended in the Upper House, and at last upon the Amendments proposed, rejected by the Lower House.

It were Needless as well as tedious, to trouble you with the Grounds or reasons for those Amendments insisted on by the Upper House and rejected by the Lower; Since it would of Necessity lead me into the Detail of the Country affairs in Generall, as well in relation to the Publick as to the private Interests thereof, in Various matters of trade and property, the which, not being necessary for the present I shall omit. I shall only therefore observe to you, on the first Amendment proposed, and which I Insisted on as a *Sine quâ non*, to the Bill; Viz^t^ the s^d^ Act not to take place untill your pleasure therein should be known. This being the Leading Amendment proposed and known to be insisted on, overset the whole Bill; for while a set of poeple in the Lower House, were disputing, or rather Denying your right to Dissent to Laws, you may Easily imagine, they would not in the Eyes of their Deluded followers, so far weaken their pretention as to admit of this Clause, which must appear a tacite Confession of the same right they had pretended to Oppose.

The reasons which Induced me to insist on this Amendm^t^ arose: First, from the Consideration of the great importance of the Act proposed; an Importance Indeed I thought too great to be Suddenly Carried into Execution, upon the hasty or even most Considerate resolutions of as weak Legislators.

Money, or somewhat to answer its Current Effects in trade, is Certainly much wanted here; wee may Barter between one Another our Staple Tobacco, but to Carry on and Inlarge our trade Abroad, & to Invite Artificers, Shipwrights &c to settle amongst us, another species of Currency in payments, seems

very desireable. New York, Pennsylvania &c are vastly improved in foreign Trade, as well as home Manufactures, by a Paper Currency; it is that, in lieu of Specifick Coin, which seems, to give life, Expedition, and Ease to trade and Commerce. This has drawn them into Communitys or Towns; they are daily growing more and more populous, and are Supposed to Increase as proportionably in Credit and riches. In Virginia and Maryland, the Case is much otherwise; Tobacco, is our Staple, is our All, and Indeed leaves no room for anything Else; It requires the Attendance of all our hands, and Exacts their utmost labour, the whole year round; it requires us to Abhorr Communitys or townships, since a Planter cannot Carry on his Affairs, without Considerable, Elbow room within his plantation. When All is done, and our Tobacco sent home, it is perchance the most uncertain Commodity that Comes to Markett; and the management of it there is of such a nature and method, that it seems to be of all other, most lyable and Subject to frauds, in prejudice to the poor Planters. Tobacco Merchants, who deal in Consignments, get great Estates, run no risque, and Labour only with the pen; the Planter can scarce get a living, Runs all the risques attendant upon trade, both as to his negroes and Tobacco, and must work in variety of Labour. I write not this in malicious Envy to the Merch^{ts}, nor do I wish them less success in business; but I heartily wish the Planters Lay was better. When our Tobacco then is Sold at home, whatever is the product of it returns not to us in Money, but is either converted into Apparell, Tools or other Conveniencies of life, or Else remains there, as it were Dead to us; for where the Staple of a Countrey, upon forreign Sale, yeilds no return of Money, to Circulate in such a Country, the want of such Circulation must leave it almost Inanimate; it is like a Dead Palsie on the publick, Since it can never

Exert its members or faculties in the pursuit of trade and Commerce. An increasing Country and growing people, as this is, and a Staple, at best Uncertain, but of late visibly declining in Value, as Tobacco is, wishes the people here to look about, and Enlarge their foundation in trade, to the which money or some Currency, which may answer the same uses, is necessary, and the Expedient to such End, is a Paper Currency as proposed in the Act. I herewith send you a Copy of the s^{d} Bill, as it Came up from the Lower House; the Votes and Journall will show you the Amendm^{ts} proposed by the Upper House with which, the Bill would generally have pleased here. I should be Very Glad to have the Bill Consider'd of in England, and to know y^{r} thoughts upon it, which would be Very Acceptable to many here. For the people are impatient for some such kind of Relief in their Circumstances, and, I Dare not Venture to pass any such Law here without Even the Consent of the Crown, for an Instruction of the Late Kings Dated the 31st of Aug: 1724, It seems to require that no Law of an unusuall or Extraordinary nature should be passed here untill his Majesties pleasure was therein known, whereunto referaence may easily be had in Councill or Board of Trade Office. This was Indeed the main reason, for my insisting on the first Amendm^{t} before mentioned, for referring it, untill your pleasure should be therein known. I was Confidant that would answer the Royall Instruction, being secure, that you would never send in an Assent on your part, untill you were Assured in form of the Crowns; which by the s^{d} Instruction seemed previously necessary. Having observed thus far on the s^{d} Bill, it is submitted to your Consideration at Home. I am Utterly Incapable of Advising in things of this nature, the beginning whereof is obvious to the meanest Conception, the Consequences of it *in futuro*, can only be Guess'd at

and provided for, by such as are more Conversant in matters of that nature.

I shall now trouble you with a Word or two, upon the General situation of Affairs in Government, that I may receive your Advices and Instructions in the fullest manner; and I think, by taking a View of the relation the people bear to you and you to them, in the points of Interest, I shall best Explain myself to you; You are their Proprietary of the Soil, and as such, the people from time to time owe you and may be Compelled to pay you Rents and fines; you and they have for some years past compounded for their Value another Way. The people, grow Jealous, that you have too good a Bargain; you on the other Side, have been I believe informed that the Amount of y^r^ Rent Roll, exceeds vastly, the Equivalent you Accept of. I must deal so Candidly, as to give my Opinion, that their seems Error in Computation on Both sides. It is Certain the people Could no ways so Easily, so insensibly pay their Rents as by this method now they are in. The Poor and Orphans, scarce bear any share in the present payments. The Husbandmen, from the Produce in Stock and Tillage pay nothing, which is a great Incouragement to Husbandry, so necessary and beneficial to a Young Country. In short the traders who purchase Tobacco, bear the greatest share, from the Shoulders of the planter; and yet it is as nothing to such trader; for as M^r^ Bennett, a great and knowing trader here Observes, the trader gets as much for his goods as he Can, in Tobacco, having Allways the whip hand of the Planters necessitys for Cloaths and Tools; and when people are aiming at getting such Advances on their goods, as from 100 to 200 p^r^ Cent, the Value of 2^s^ p^r^ Hogshead Duty is scarce Calculated or even thought of. Thus in Generall is the Composition easy and almost Insensible to the people.

To you I think it of a like Nature, since first the payments are regular and good, with the least trouble so much money Can be Collected with. I Do not believe your Rent Roll, can amount to above 6000 p^{r} Ann. which Could it be Collected, great Defalcations must be allowed for Charges and Losses in the Collection. It would be allmost impracticable to get Bills of Exchange for a regular remittance of the produce; if they could be got, it Could not be under less than 8 or 10 p^{r} Cent premium.

The Philadelphians frequently are obliged to give near that premium for Bills; and the greater the Demand for Bills would grow, the Higher Premium would be Exacted. But alass, they Cannot be Collected, there is not money enough here to be got to make regular payments from time to time, So that your officers must take Corn, Wheat, Beef, Pork, Tobacco or some Commodity of the Country, the Conversion whereof into money, and from money into Bills, must be a Vexatious, Expensive, and allmost an Endless an Insuperable task. I shall say no more at present, but pray for the Continuance of the Agreement.

The next Concern you and the people in point of money Interest are Engaged in, is the 15 pence for the Support of Government. The people are but too sensibly apprized, that that support is in their own free Choice, to the which you Cannot oblige them.

And surely it is the greatest Advantage that can be had over a Government, and things can never go well in the plantations whilst the Planters are so generally proud, petulant and Ignorant, and have the Common necessary Support of Government so much under their thumb.

This Superiority, as I may term it, of the people over the Government, seems Unaturall, and is I am sure repugnant to

the very Ends for which Government was Instituted, viz. an Authoritative Influence for the good order of Society.

I am in hopes that the present Contest on this Subject with relation to New England, will so far be Determined next Session of Parliament, as to Vindicate the rights of Government in Generall, and awe such as have not yet, thô they may be ready to play the New England Game. It would be Extreamly happy for your Ease and Quiet, should the Parliament in some Vote or Law include all the Governments in the Plantations so far as to provide an Establishm^{t} Certain for the Support of the several Governments. As I know not here how affairs of that nature do or may stand at home, I shall give you a short sketch of the footings on which the Support of Government hath hitherto stood in this Province; Lord Cæcilius, had 12 pence p^{r} Hgd. During Life; our Grandfather, Lord Charles, had the same, with the Additional Extension for and during the life of his Eldest son Cæcilius in case he survived him, Viz. for their two successive Lives. After the Revolution, when the Crown assumed the Governm^{t}, the 12 pence p^{r} Hgd for Support of Government was by Act of Assembly taken away from our Grandfather, and Vested in the Crown for that use for Ever. This was in 1692, Gov^{r} Copley's Time. After Various revisals and renewments of the Laws by Orders of the Crown, I find in Gov^{r} Seymours time, Viz. in Sept, 1704 was Enacted An Act, Entituled,

An Act for Settlement of an Annuall Revenue on her Majesties Governour within this Province for the time being—

Whereas by An Act of Assembly &c formerly made &c., and so recites the Act for settling 2^{s} p^{r} Hgd. on the Lord Proprietary, Viz 1^{s} for acceptation of Rents in Tobacco at 2 pence p^{r} pound, and 1^{s} p^{r} Hgd. for the Support of his Governmen^{t} &c. By this Act, as the Government was out of his

Lordships hands, they Settle the s^{d} 1^{s} p^{r} Hgd. (before Settled and Intended for the support of Government) for the future to be levied and paid unto the Queen her heirs and Successors for the support of her Government, for the time being in and over this Province.

This Law amongst many others, was in April 1715 whilst M^{r} Hart acted under the Crown, revised and reenacted. By all this you will perceive that the Proprietarys had at least for life the 1^{s} p^{r} Hgd for the Support of Government, and the Crown had a Settlement therein for Ever.

I now Come to the restoration of the Government to the Proprietary. Our fathers time was so short as not to Afford any transactions of this Kind. When it Devolved on you, the Countrey found themselves engaged to pay their rents in Money according to the Patents, for the 1^{s} p^{r} Hgd. premium for Acceptance of Rents in Tobacco at 2 pence p^{r} pound, determined with our Grandfathers life. Therefore you and the Country negociated the Agreement which hitherto from time to time hath been renewed, Viz. 2^{s} p^{r} Hgd. in full lieu of all Rents and fines. This being to be Confirmed and Established by Law, the Assembly Collected the Severall Imposts on Tobacco into one Law, and so by one United Act Settled the 2^{s} for Rents and fines; the former 1^{s} for support of Governm^{t} to w^{ch} (having enlarged the Guage and Tare of Hogsheads) they Added 3 pence more, Viz^{t} 15 pence in the whole. Now as herein was the Composition for y^{r} Rents, L^{d} Guilford doubtless thought it not proper to Confirm such Agreement for a longer time than your minority, that when you Came of Age, you might remain at full and Unquestionable Liberty to Continue, alter, or totally Dissolve such a Composition. Therefore was the Law made *pro tempore* only. By it, the Revenue for the Support of Government, which used to be for longer

Continuance as above related, became as temporary as the Composition for Rents. An Error, whether Designd or not by the then Assembly, very mischievous in its Consequences to you at present.

How this Inconvenience can now be avoided, is worth Consideration; and I wish it may be found practicable. The reason of a more certain settlement of the Support of Government, is in the sense of all Sober people, confessedly with us, and the rule and Custom all along in this province seem to Evince it; but I fear little dependance is to be had, on the operation such reason may have in the minds of the Malevolent. But at all Adventures, I would recommend the taking the best advices how it might behove us to proceed in Case of a refusal to Support the Government as usuall. How far, and wherein, the long Custom of 1^{s} at the least for that Support, may Countenance a Constant demand of the like for the future. Whether any, and what use may be made in your favour of that Act of 1704, Settling 1^{s} on the Queen Her Heirs and Successors for the Support of Her Government for the time being in this Province. whether by the Devolution of the Government to you, with other Rights and Adjuncts of Government, that 1^{s} may in any Legal Sense be deemed to have Devolved to you, or be invested in you to and for the same Purposes. These Enquiries, may amount to a good precaution against all Events.

The next matter wherein the Interest of Proprietary and people, may seem to meet, or have any referrence to each other, is the Settlement and rights of the Severall Offices in Government. Long hath been the Contest about Officers Fees, which doth now so far affect your interest in your Officers that Since y^{r} Dissent to the Regulation made in 1725; the Officers are without an Execution for their fees, which

makes them very ill paid, to the no small loss of the Officers, but really to a Disreputation and disreguard of their Offices; since every Insolent fellow thinks himself free to refuse paym^{t}; and Brow beat, as it were, the Officers. And is besides a Continuall Bone of Contention, and a Specious Handle to amuse the Ignorant. It is too true that by the same reason an Abatement was made in 1725; they may Every three years Exact a farther Abatement, untill the Officers should by such repeated Abatem^{ts} be reduced to the mean wages of the Commonest writing Clerks. For my part I should Imagine fees to be Due by Originall Right without an Establishm^{t} by Law; and it is remarkable that the severall Laws made here relating to fees, have been stiled *Acts for the Limitation of Officers fees*, and not for the giving or Granting them. How far reasonable or unreasonable the Regulation of 1719, the last you Agreed to, may be, I shall not enter into, being to be thought a party Concerned; but as Even that Regulation, is a clipment from the Law of 1704, and that from one before that &c, I would deduce this reasoning, that if the fees twenty or thirty years agoe were not thought unreasonable, the Law of 1719, which reduces them to much less cannot I think be Deemed so, since the Country is doubtless much more able to Support Offices now, than in those Days. I shall now Beg the Liberty to recommend some Queries to be Advised on;—

1. Whether you have by the rights of your Charter Power to Establish fees, where there is no Law to Ascertain or Limit them.

2^{dly} If you have such a Power, in what manner may they be best regulated by such Power; and How can you Enable the Officers to Exact such fees Effectually?

3dly If your Charter may not warrant such a Power, whither must the officers resort to, for a Settlement thereof certain and secure on the Assemblys refusall to confirm to them such fees, as they have hitherto Enjoy'd; or what Course can the Officers take to recover their fees?

4thly Whether, whilst there is no Law here for fees nor any other Certain Establishmt the Officers may not recover fees at Law According as they are settled in the Courts of England, by the Very Rule Lay'd down by these people, that the Laws of England are to take place, where our own are Silent. And in Generall How it may be possible and more Convenient to Come to Certainty in this Affair.

The Consequence of some such Inquirys as these to the Honour and quiet of your Government seems very Evident, for wee here know not which way to turn ourselves in such nice and important matters. Wee can do no more than insist on yr regulation of 1719, pursuant to your Instruction; but that will not get us the fees, unless wee can be put into some method to Exact them without the help of an Act of Assembly, which cannot easily be Obtained.

I have for this time done with Publick Affairs, wherein if I have tired your Patience, thô I hope I have not beyond Excuse trespassed on your goodness.

In your kind Letter of April 3d 1729 wherewth you favoured me, you order'd me to Acquaint Mr Lloyd, to remit to Capt Hyde for yr use, the Quota out of the Secretary's Office wch Mr Lowe used to have. Before I saw Mr Lloyd after the receipt of yours, I received a Letter from Mr Beake wherein he Desired me to send him a Copy of the Commission to him and Lowe, which is here recorded, Upon perusall whereof (in the Copy herein Inclosed) you will find the sd Office Granted to the Survivor of them, which, being a transaction so very

early in your minority, I imagined you might possibly have forgot when you wrote your letter; and as Mr Beake by Desiring a Copy of the Commission, seems to have that Survivorship in View, and doubtless long agoe has apprized you of his thoughts that way, if he has that View, I thought it most convenient to deferr Speaking to Mr Lloyd, untill I should receive yr further Commands therein; which I will answer, will be time Enough for any payments he will make on that score. I have sent Mr Beake a like Copy of the Commission, which in Common Civility was not to be refused, and Which being publick on record, might Easily have been had from any one Else.

I have heretofore mentioned the necessity of Resurveying your Mannors, without which much of them will soon be lost. Many daily Incroach on them, and the Evidences that Can only prove bounded trees, as daily grow Old and Drop off. Your Orders to your Agent therein will I think be of the Utmost Consequence to yr Landed Interest, and not for the Above reasons to be Delayd. Your Mannor of Pangayah is they say already Swallow'd up, for people pretend, that no one knows where to find it.

Ned Continues very thin, and his Cough and Spitting very troublesome. I much fear the Approaching Winter will hardly relieve it. The Cold Season is a relief to me. Wee have been lately up to Philadelphia on a Visit to Govr Gordon, where wee were recieved in a particular Handsome manner; but I was Extreamly ill both there and in my whole Journey. Since I Came home, I have had a severe flux, but it has carried off the Cholick, and with the Sharpness of the weather I begin to have a little Apppetite, which for the Summer Six Months I was an Utter Stranger to, living that time I think in Continued Misery and pain; but as yet there are few things that will stay upon my Stomach.

I beg leave to remind you of a Matter, which by Mr. Lowe's Death, possibly you may be a Stranger to: Viz. That after the Last hearing before the Attorney and Sollicitor Generall about the 3 Lower Counties, a Great many Papers of yours relating to that Dispute, were left for their Perusal and perhaps may still be there.

Pursuant to your last powers given me I have Sworn Col. Rider of the Councill, who I hope will give Satisfaction. I shall to the Utmost of my power recommend such to that Board, as will be of most Credit and use to it, and follow your Advices thereto, as Close as possible; but believe me, such men as ought to be Chosen, are not Easily got, and few men Care for an Empty Honour attended with trouble without some recompense.

There is not places in the Government Sufficient for all, and the Country refuse still to pay them Even for Attendance when Necessary.

It is in Vain now to Expect to gain the Country to do it; they say the 15 pence pr. Hdg for the Support of Government, raises such a Considerable Sum more than the Salary Settled on the Govr., that you ought to pay yr. Councill out of it, if you think they Deserve any reward for their Attendance; and this is preached with the more Spiteful View that the Councill should think themselves Slighted by you, whilst you refuse to pay them for Attendance. They farther urge, that the Councill in Virginia is paid by the Crown out of the Revenue for the Support of Government, and that the Revenue raised here for Support of Governmt is greater than Ever it was before yr. time. As to this Last Assertion, it is true, that the Additional 3 pence for the support of Government, is more than Equivalent for the Increase in the Gauge of Hgds.

I hope Dr. Brother you will favourably Accept this rough Draught of yr. Publick Affairs; of yr. Private Interest you will I suppose hear from others. My Weaknesses I doubt are many, but yet, sure I am, they cannot outnumber my Affections to your Service; For I am Most Sincerely and Entirely Devoted to you as becometh

Dearest Brother

Your most Affectionate Brother

Annapolis and most Obliged Servant

Oct. 26th, 1729 Benpr Leonp Calvert.

GOVERNOR OGLE TO CHARLES, LORD BALTIMORE.

[Affairs in the Province.]

My Lord

In my last I gave your Lordship an acct. of our putting into Falmouth, wch. place we left the 5th of October, and landed here the 2d of Decr. after a very ruff passage, the particulars of which however I will not trouble your Lordship with, knowing very well that you Saylors only laugh at the misery poor people suffer on these occasions. Your Brother received me very Civily, and I did every thing as I thought it would be most agreable to him, so that I beleive we acted in every Respect as you intended we should; but after two or three days when I desired to talk a little more freely with him about governing the Province to your Lordsps. advantage, I found him a little more reserved than I could have wished him to be, which I can hardly think could proceed from his natural Temper, if it was not for the extream bad State of

health he enjoys, which is much worse than I imagined, and which I beleive has not been mended very much by the help of Physick, which he takes more of than any one I ever knew in my life; and in those few things he did mention to me I found his Sentiments as different from your Lordships as white & black, which you will find when you see him. He expressed a good deal of concern at the want of courage which the Council shewed upon several occasions upon which I told him that as it was for your Lord^{ps} Interest I hoped he would let me know which of them had failed him. He said he could not tax any of them with infidelity, but that honest men might differ in opinion, and that some had not so much courage as others, with some other things of this nature; I then desired him to let me know which of them had shewn this want of courage which had given him so much disturbance, upon which he told me plainly it was impossible to get a Council in Maryland to act as they ought to do, which was all I could get out of him on this head. At the same time he gave me such a terrible acc^{t} of the Assembly that all things put together were enough to frighten a man out of his wits; and indeed I beleive as he himself says, a great deal of his Sickness has been owing to the harsh usage the Country has given him. As the country has certainly entertained strange & unreasonable jealousies and prejudices against your Lordships Government, and is as hot as possible about the English Statutes, and the Judges Oath, I make no doubt of being furiously attacked on this head; however let the worst that can be happen you may depend upon my punctualy observing your orders, and I hope in the main I shall be able to act both to your Lord^{ps} Satisfaction & Advantage, tho I must own to you freely I think it would puzzle the best Capacity in the world to doe one half of what is wanting for your Lordships

Service for besides the encroachments of the Pens several people have set down upon your lands without any warrant for so doing, your mannors have been very much abused without the Tenants paying your dues; your offices in so much contempt that they dont receive half their fees, and indeed some of them are merely nominal without any manner of profit; and what is of worse consequence as I am informed the right your Secretary has of naming the Clerks of Counties at his pleasure, has not only been disputed but carried against him, and acquiesced in ever since Bodelys time to the great lessening of your Lordships power, as you may easily judge; so considering all these things I realy think other people dont want your offices more than you want able men to raise them to their due value. Coll Mackall the late Speaker of the Assembly and the Rest of the Justices of Calvert County had all refused to take the judges oath, so I found that County in the utmost confusion at my landing which obliged me immediately to Issue out a new Commission to others which has had the effect we intended, all of them having taken the Oath. I have alsoe by the Advice of the Council call'd a new Assembly for the latter end of Feb^{ry}, tho we dont intend to proceed to business till July. Both your Bro & M^{r} Llord talked exceedingly against any manner of agreement with the Pens, it being very easy as they say to have full Justice of them by law, in which, notwithstanding all they said, I think they had no reason to be so sanguine, considering the surprising encroachments they have made upon you for some time past, several hundred of your Tenants as I am informed, having within these few years, gone over to them. However tho I could not agree to most of what they said, there is one thing so very material I thought myself obliged to give you notice of it; M^{r} Llord says the Line that makes

the Tangent to the Circle about Newcastle will cut some of the Rivers in the Bay, particularly Sassafras River, and that the very Circle will cut the head of Elk River by which they will have a free communication with the Bay, which is a thing of such consequence that if you have not yet signed your agreement I hope you will think it proper to insert a clause particularly to prevent any thing of this kind; if you have Signed, as I know both your intentions, we must try to mend the letter of your Treaty by the spirit of it, if there should be occasion, as there will be room enough to do in the execution of matters in which there must of course occur many difficulties; and indeed by what I have heard since I came here I begin to think that reasonable men appointed Commissioners on both sides, might settle the Bounds better by having some regard to the present possessions than by striking too closely to the streight line which may perhaps make greater alterations than can be at present foreseen; but as one can only make conjectures about this affair for want of a good map of the country, I must leave you to judge of the reasonableness of what I offer. All this regards only the Lower Counties, for your streight line that fixes your Northern Bounds I think can have no objection to it. The Pens encroaching so much upon you as I am informed has encouraged the Virginians on the Eastern Shore to make some attempts of the like nature; and some of your Land about the upper part of Patowmock is likewise in some danger all which matters I will take care to look to in time, and in every thing else will use all the dilligence & care I am capable of. I cant promise to do every thing to your Lords^{ps} Content, but this I am sure of, that no body in the world can set about your Service with more Zeal & true Concern for your prosperity than I shall do, so that I hope

at least you will be perfectly satisfied with the sincerity of my intentions. As I know your Brothers sentiments in many transactions for the future will be very different from mine, & many people ready to represent things to my disadvantage without many to speak in my favour, I must here once for all beg the favour of your Lordship not to condemn my conduct absolutely in any thing till you have told me what you think wrong, and have received my explanation of the matter, which I shall always give you honestly & plainly. I dont know whether Charles Calvert and I will always agree in our sentiments but at present we are upon very good terms together, and I realy beleive he will act very honestly & sincerely for your Lordships Interest. As to his own affairs I take him to be none of the best managers, no more than of his constitution w^{ch} is in a very bad condition. I have with every body else endeavoured to carry myself as evenly & civily as possible without showing the least disregard to any set of people whatsoever which your Bro^{r} would have had me do; which Advice I thank God I had the Grace to resist, beleiving firmly that it is for your Lord^{ps} interest to leave room for every body to offer their Service to you that are able to assist you, and I find plainly that nothing in the world has hurt your interest more than your Governours declaring open enmity to such men as Bodeley & Delany who were capable of doing you either a great deal of good or harm and trusting your affairs to such as could not possibly do much one way or other. One particular gentleman I find has given a good deal of offence to the Country by having too many places given him. I mean M^{r} Ross who I find was recommended by your Lordship for Clerk of the Council, but as he has I think four others besides that, it is very probably more than your Lord-

ship intended for him, and I must say more than is for your Lordships Interest; for I think the places you have ought to be managed as much as possible not only to keep up your interest with the Country Gentry, but likewise be given to such people as are capable of serving you well in their particular posts, which is as good a way as I know to retreive your Lordships affairs in several points when they have been but too much neglected; but as I dont know what particular Regard you may have for this Gentleman, I shall do nothing till I hear from your Lords^{p}. As to People that may apply to you hereafter for any places here I hope you will not think it proper to give them any encouragement, it not being at all for your Interest to send over such sort of Gentry, which we are in no want of already; tho it will be much to your Lordsp^{s} Advantage as well as your Tenants in General, if we can contrive any way to increase the number of your laborious common people. M^{r} Eyons who was recommended to you by M^{r} Rawlinson is exactly such a one as your Lords^{p} guessed him to be; he talks a great deal of husbandry and improving Land, and at the same time is perfectly indolent and incapable of serving either himself or family any other way than by accepting a good place, which I am sure is not my power to give him without acting contrary to your Lords^{ps} Interest. If he had half the Industry he talks of he might do very well upon some of your Lords^{ps} mannors where there is room enough for a Tenant to live very well and pay the small Rent due to your Lords^{p}. Here I must put your Lords^{p} in mind to give Coll Ward some directions which he says he wants about Arundal Mannor, having it seems had formerly some different orders relating to that from the others. I have received your Lords^{ps} Madera wine; two of the Pipes were so much damaged that they leeked out near a hogshead & a half which I am the

less troubled at because the wine proves exceeding good. I have taken the best of them, cased it very well, and put it on board Capt. Wats for your Lordsp. As it is excellent wine of the Sort if it should not prove to your tast it will be hardly worth your while to have any more; but if you like the sort of wine I shall be always able to let you have a Pipe of right old wine, intending allways to keep up my stock now I have so good a foundation. I must therefore beg the favour of you when you see Mr. Hyde to direct him by the first opportunity of a ship that touches at Madera to order me a couple of Pipes of the very best the Island affords.

When I am thoroughly settled I hope to keep all accounts very clear with your Lordsp; but for the first year being obliged to have every thing at the worst hand, I shall be kept poor in spite of my teeth; therefore hope you will not think me long in coming to an acct with you for your Wine & other matters: I must likewise beg the favour of you to let Coll Ward know when my Sallary commences, which I suppose you intended should be from the date of my commission; however as this depends wholy upon yourself we have nothing to do but to acquiesce in your directions. As I dont intend to live extravagantly so I'me sure I dont love money enough to keep me from any expence that I think necessary for your Lordships Service & my own Credit, and I am sure you cant be served well unless your Governour lives something like one; therefore as I shall not have the Talent of laying up money very fast, if a Pleuretick feaver, or any other curst acute distemper which a great change of climate makes people subject to, should cut me off suddenly leaving my small Finances in very great disorder, I hope youll have the goodness to shew my Brr Luke what favour you can conveniently. This Request I earnestly make to you in case

I should have a call to the other world, tho I cant help flattering myself that I shall stay some reasonable time longer in this, the country in the main being very healthfull, tho the distempers that happen to take off people are very quick in their operation. I please my self very much with the hopes of hearing very soon of your getting a son & heir. However not to trouble your Lordship with any formal compliments upon this head, I shall only beg the favour to present my humble Service to Lady Baltemore who I hope will increase your family very much, and to be so kind to give me early intelligence of whatever happens to your Lordships Satisfaction & advantage which will always give me as much pleasure as if it happened to myself: being with great truth & sincerity

Your Lordships
Most devoted & most humble
Servant

Annapolis Jan^{ry} the 10th 1731. SAM: OGLE

GOVERNOR OGLE TO CHARLES LORD BALTIMORE.

[Affairs in the Province.]

My Lord,

Being to set out for Newcastle in a day or two I have left this packet ready for Cap^{t} Hoxton whom we expect will Sail before our Return. The inclosed Address to M^{r} Penn, as your Lordship may see by the date, was made before your Lords^{ps} jorney to Burlington, but did not come to the knowledge of any body here till very lately. What Policy they had in it I shall not take upon me to determine, but I cant help being pleased with one thing, which is that M^{r} Penn

in his answer does not seem to rely very much upon a Specifick performance of the Articles, but only says if the execution of the Articles cant be effected, he has no reason to doubt but the Equity of their cause and common Justice will compel a division at least as advantageous as that directed by the Agreement. This compelled Division I long for very heartily, and hope it will be another sort of a one than what they desire; but however matters may go to your Lords^{ps} liking or otherwise, I hope you will be so kind to give us the earliest advices of every thing that we may be able to do our best for your Lords^{ps} Interest. The inclosed Queries to S^{r} E^{d} Northey are what M^{r} Carrol says were ordered by your Grandfather to be laid before him; but I cant help thinking that I never knew any body present a case to their Lawyer drawn up more to their own disadvantage, for in the first Query, the two most material points are left out; one is that the words more or less are explained in the conditions of plantation to be ten $\overline{\text{p}}$ cent; and the other which must prevail in any Court of Equity is, that if a less quantity of Land happens to be Included in the Survey than the warrant directs, the deficiency is always made good by your Office. These are points too material to have been omitted therefore I hope your Lords^{p} will think it worth your while to have the case truely stated and the opinion of some good Lawyers sent over to us, since S^{r} Edw^{d} Northeys opinion is much made use off upon this occasion. The other point in relation to a Reentry for non payment of Rent seems to be given up by your Lords^{ps} altering the form of your Patents; however there can be no harm in having the best advice concerning it. Your Lords^{p} knows very well there must of course be great complaints & grumlings amongst people who used to hold their land for nothing & do with your Mannors what

they pleased; however I assure your Lords^{p} I shall go on to do exact justice between your Lords^{p} & your Tenants without the least Regard to what any of them may say or think about it; which I hope will bring your Estate to such an Income as will shew my gratitude to your Lord^{p} for all your favours better than can be expressed by words. M^{r} Diggs & his friends have agreed upon the Terms of Farming P: Georges, Charles & S^{t} Marys Countys, and M^{r} Chew & his Son in Law, Thomas, have agreed to the Terms for Ann Arundal & Baltemore Countys, and we are going on as fast as we can about the Rest, as likewise the Mannors; but the dilitariness of peoples proceedings in general is so great that it is impossible to do business so quick as could be wished; but I am sure nothing shall be wanting on my part, and I can very truely assure your Lords^{p} that I have ten times the trouble about these things that I have about all other matters whatsoever. As to what relates to Governm^{t} we shall follow closely your Lordsps Sentiments in every thing as far as we can remember them, and dont at all doubt that we shall meet with your Lords^{ps} Approbation, I have nothing new to acquaint your Lords^{p} with upon this head only that the putting the Council at the head of all the County Commissions occasions great speculation amongst our Patriotic Politicians, and two or three of our Cheif Justices have refused to Qualifie, tho' they will not own this to be the occasion of it.

The Assembly of Phyladelphia is just broke up in the most confused manner that can be: the house in general doubted much if the Powers of Governm^{t} were legaly in M^{r} Gordon, therefore resolved to make no laws whatsoever; but designing to be very moderate and as they thought prudent, they voted M^{r} Gordon his usual support, which they sent him an Acc^{t} off by four of their members, at the same time acquainting

him in a private manner with the reasons of the house being determined to adjourn themselves; which was in short that they wanted satisfaction about this Commission. The old Gentleman, as the Pensylvanians say, having got his years support in his hand, used them haughtily with many blustering expressions and contrary to the Advice of many if not all of his friends, sent a message to the house by Charles touching the unreasonableness of their breaking up without any occasion when so many laws were necessary to be made for the good of the Country. This message put the mild people of the Lord in great wrath & Anger but some of the most moderate ones representing to them that an Entire breach with the Gov^{r} might at this time have fatal consequences, they brought them to this moderate answer to the Gov^{rs} message that they would not at present enter into the particular reasons of their adjourning themselves because they must of course be very disagreable to him; however they could not help acquainting him that his message was very unseasonable: upon which they immediately adjourned themselves. As these Godly unforgiving people are mightily incensed against M^{r} Gordon, and what is worse, have his annual support in their power, I fear his time for the future will be but indifferent amongst them. Poor Lawson died a few days ago, which gives me a great deal of concern as he was a very usefull man in his office; so that I cant but think his death is a real loss to your Lords^{p} He is succeeded by one Bedoe who has been a Clerk in the office for many years.

Macnamara is now Deputy Collector to Rousby in his room. Rousby is in a very bad way, drinking by fits as hard as ever, so that it is very well worth your Lordsps while to have an eye to that place. Before your Lords^{p} receives this I hope we shall hear of your Safe arrival in England after such a pros-

perous voyage as may reasonably be hoped for at this time of the year. if your Lords^{p} met with the least sort of distress I hope it will determine you to bid adieu to the Sea for ever which is the Sincere prayer of

My Lord,
your Lordships
most faithfull &
most humble Servant,

Annapolis, Aug. 25th 1733 — Sam : Ogle

GOVERNOR BLADEN TO CHARLES LORD BALTIMORE.

[Affairs in the Province. A Comet.]

Annapolis Jan^{ry} 22^{d} 1743–4

My Lord

I have the honour of your Lordship's letter of the 10th of August by Cap^{t} Wall who was twenty weeks in his Passage. I think my self happy that your Lordship expresses a Confidence in my Zeal for your Service which I shall allways endeavour to deserve. Your Lordship need be under no Apprehension of my giving the Assembly any Account of your Revenue; it was never in my thoughts, and you may observe I denyed it them upon theyr first Application: You may depend upon my strict Observance of your Orders in relation to an Assise Law as well as to not passing the Levy Bill without that for 3 pence for Arms. As for the Assise Law that pass'd last Sessions, your Lordship never gave me any directions about it, but had talk'd with M^{r} Jennings fully upon it who acquainted the Council with what he thought your

Intentions and upon his Report the Law pass'd. [Mr Jennings misrepresented my intentions.] * I cannot but express my Surprise here at your Lordship's Suspicions of the sincerity of Mr Jennings. [I judge every one by their actions.] * I must in Justice to the man say I really believe him Zealous and faithful to your Service, and his Enemys here, who are not a few, universally allow him to be so, and excepting in the Affair of the Assise Law wherein he thought himself fully instructed by your Lordship I don't know any one Step he has advised wherein he has not concurr'd with the opinion of every body else in the Council: As for any particular Byass to him I assure yr Lordship I have none, and the refusal I gave him of the Chief Justice's place till I had your further Commands is a proof of it, & such a one perhaps as he has not heartily forgiven me.

The Assembly is to sit in March, I owne I expect nothing from them. The putting off theyr meeting and the Dissents (of which and every thing else relating to this Province your Lordship is certainly the best and properest Judge) will furnish theyr Leaders with pretences enough to frustrate any hopes of Harmony between the two Houses, so that I am mistaken if they pass the Bill for three pence for Arms which being followed by the refusal of the Levy Bill will compleat the Disunion. Let theyr Ill will to me be ever so great, it shall not hinder me from doing my Duty to your Lordship, & Depend upon it, My Lord, I will give up no points that regard your Interests.

Your Lordship takes notice in your letter that the Lower House seem'd to dispute your right to dissent to Laws. As ignorant and illiterate as they are, I can hardly think they

*Words in brackets interlined in Baltimore's hand.

dispute that Right in your Lordship to any Law whatever; that they will grumble whenever a Law they are desirous of, is dissented to, may be expected, especially as it is the Study of two or three men here to Create uneasynesses & heighten Dissatisfactions upon every occasion. Doct^r Carroll & Phil: Hammond are the Chief Incendiarys; and nothing is a greater proof of the unhappyness of this Country in the want of a proper Education of theyr youth than to see such men blindly followed by a whole people and look'd upon as Oracles & Patriots, whilst at the same time they are such Jews in theyr private Transactions that hardly any body will venture, unless forc'd by the utmost necessity, to have any Dealings with them.

As for the Laws not being sent home in time I assure your Lordship M^r Ross was not to blame in it. Col: Gale has I dare say explain'd it to you; it was he who sent home the first Copy to M^r Ogle, for which I suppose the Printer being pay'd ready mony, a kind of payment he is not used to from the Publick, gave Col. Gale the first Copy which he took down with him to Somerset and sent it by a Ship from thence. It has been allways usual to send your Lordship the Laws by some Ship that goes from this Port; and the Ship that Carryed your Copy was I dare say the first that Sail'd after it was printed. Y^r Lordship will please to remember we have but one Printer, & if he is disposed to be idle we have no way to make him otherwise. I must say M^r Ross is not onely a very able but a very dilligent Officer.

M^r Dullany has drawn up a Representation which I believe will be sent you from my self & the Council of the low State of our Tobacco Trade and of the Immediate ruin which must follow to this Province if a Law be not provided upon the footing of that in Virginia to mend our Staple, which at present has lost all its Credit both in the Country & in Europe.

My Wife & Girls present theyr Respects to your Lordship, and I am with the greatest Truth Your Lordships

Most obedient and
Most humble Servant
THO: BLADEN.

We have had a Comet for some weeks, & which Still continues, whose Tail is of a most prodigious Magnitude and brightness, and which people say here makes a far greater Appearance than that of the Comet which appeared two years ago. When the Comet is Set its Tail may be very plainly seen streaming from the Horizon near a third of the Way up the Heavens.

GOVERNOR BLADEN TO CHARLES LORD BALTIMORE.

[Tobacco Law.]

Annapolis ffebruary 3^{d} 1743–4

My Lord

About a Week ago I troubled your Lordship with a long letter by Capt: Blakiston, in which I mention'd an Intention of presenting you with a Representation from my Self and the Council in relation to the low condition of our Staple and the great necessity there is that some speedy remedy be applyed, Our Trade being in the utmost danger of being lost; I have now the Honour to enclose this Representation to your Lordship sign'd by as many of your Council as could meet together at this time of the year. Your Lordship will see that a Law upon the Plan of that of Virginia call'd the Inspection Law is the onely remedy that is thought likely to be

effectual; that the Lawyers are willing to retrench something of theyr Fees in order to facilitate the passing such a Bill, and that it is expected the Clergy will do the same with respect to theyr Dues. I leave your Lordship to the reasoning of the Representation itself which is Submitted to your Judgement.

The Gentlemen of both Houses being very uneasy at the apprehension of meeting so early in the year as March, which is generally a bad Season, and my not having heard from Col: Gale since he saw your Lordship has determin'd me to put off the Meeting of them till the latter End of April.

I rec^{d} by Cap^{t} Wall his Majestys Comand to take Care that any Ships of War or Privateers going from this Province be Instructed not to make Seizure of or Molest any Ships belonging to the Republick of Holland without Just Cause. Your Lordship knows we have no Ships of War thô we sometimes have Vesseles with Letters of Marque. I have Wrote a letter to the Duke of Newcastle which I herewith Enclose open to your Lordship, which if you approve I beg you will order M^{r} Browning to Seal up and send to the Duke's Office.

I have sworn M^{r} Lloyd one of the Council according to your orders.

By what M^{r} Jennings informs me of your Lordship's Intentions in Case of M^{r} Rousby's Death, I shall give him the Collector's office if the Vacancy happens in the Surveyor Genr^{lls} absence.

I am allways My Lord
y^{r} Lordships most
obedient & most humble
Servant
Tho: Bladen

GOVERNOR AND MRS. BLADEN TO CHARLES LORD BALTIMORE.

[Division of Somerset Co. Temper of the Assembly.]

Annapolis febr^{y} 18th 1743/4

My Lord

I have received your Lordship's letter of the 26th of October in relation to your Dissent to the Bill for the Division of Somerset County by which I find your Lordship seems very much dissatisfyed that I did not publish your Dissent upon the receipt of it. I am very sencible it is not the Buisness of a Governour here to take upon him to keep back or defer publishing your Lordship's Dissents, & nothing but my Zeal for your Service could have perswaded me to a step so dissagreable in it's Self and for which I appologized I think by the strongest Arguments in Reasoning. I knew your Lordship could not be apprised of the merits of the Bill at the time of your Dissenting, and that as Col: Gale was upon the Sea going home he would very soon inform you of all that could be say'd for or against it. That your Lordship could not be sencible of the Confusion that would follow from Publishing the Dissent before the Assembly met to pass a Bill to Aid the Proceedings in the new County, which must have all been set adrift by an immediate publication, the Suits wherein great Progress had been made must have been Commenc'd anew, and Debtors and Criminals discharged out of prison, all which would be avoided by deferring it till the Sessions and your Dissent in no sort deprived of it's full Effect, besides the great Probability I thought there was that when you had heard Col: Gale your Lordship might change your opinion as to the

Law itself, in which I hope I have not been mistaken, for thô I am very much obliged to your Lordship for saying you will not in this Instance give me the Mortification of Dissapproving my Conduct, yet I protest I should be sorry any other Reason than a Conviction of the Expediency of the Thing should be your Motive to recede from your Dissent; for the Fate of the Bill, abstracted from your Lordship's Service, is to me perfectly immaterial & indifferent. As for any body's advising me in this Affair, I assure your Lordship nobody did, Severall of your Council agreed in the Inconveniencys that would follow upon the Dissent, but nobody advised my deferring the publication; it was my owne doing which however I did wth great uneasyness and which I shall never Attempt a second time.

Your Town Lands have been in my Possession in right of Your Lordship allmost ever since I have been here, for I immediately built a Stable and fenc'd in a great part of the Ground for a Pasture; M^{r} Dullany will write to you fully upon it. [I have orderd M^{r} Tasker to have the town lands survey'd and sent over.] *

As I have told your Lordship in my other Letters, I expect no good from the Assembly, for I dare say they will never agree to the Bill for three pence for Arms which your Lordship insists upon in the usual Manner. I give your Lordship this notice that you may not be dissapointed.
[As you mention the assembly will not agree to the Laws necessary for the government, I hope I shall find you have not shown them an improper complacency.] *

If your Lordship knew how much pleasure your Success against the Penns has given us, you would not think those

*Interlined in Baltimore's hand.

who serve you here were deficient in theyr Zeal for your Interests, I hope it will not be long before the whole Affair will be decided entirely to your Satisfaction. This good news must have been known in Pensilvania these several Weeks, but care was taken nothing of it should transpire in to this Country. About two months ago they caused a Report to be spread that you had lost your Cause. Since they have heard we know of the Hearing, they say tis true The Agreement is determin'd to be Void, but that your Lordship is to pay the Penalty of five thousand pounds.

[No truth in what the Pensilvanians report.] * That not onely this but every other thing that your Lordship undertakes may be prosperous & Happy is the sincere wish of

Your Lordship's
Most obedient &
Most humble Servant
THO: BLADEN.

I have rec[d] two Letters from M[r] Stone Secretary to the Lords Justices with theyr orders to put the Forces of this Province into the best Condition possible & to be upon our Guard against the French. I send enclosed to your Lordship my letter to M[r] Stone acknowledging the receipt of those orders, which if your Lordship approves I desire you will order to be Seal'd and sent him. Indeed our Militia is a very miserable one and without another Act of Assembly incapable of being made Serviceable.

I am much oblig'd to you my Lord for your kind remembrances of me and my girls; nobody can more sincerely rejoyce

* Interlined in Baltimore's hand.

at your Success in your Cause & hope you will have an entire victory which will be an infinite pleasure to

Your Lordships most
humble Servant
B. Bladen

As the Commission of the Regency was Expired when I received Mr Stone's letters Your Lordship will Judge whether there is a necessity any answer shou'd be sent or not. [to make Benny Tasker one of the Counsell as soon as their is a vacancy.] *

BENJAMIN TASKER TO CHARLES LORD BALTIMORE.

[Town Lands. Leases.]

Annapolis 20 Feb: 1743

My Lord

Since mine of 24th Janry yours of 25th Octor is come to hand, wch Inclosed a Letter to Mr Dulany and another to Mr Jenings wch I have delivered

Mr Dulany will by this opportunity as he tels me give your Lordship a full State of the Affair of the Town Lands and proceed in such a maner as to bring in a Tryal. Your Lordship may be asured that if the late Chancelor (Governor Ogle's) Decree should not be Affirmed, or that Mr Bordley should carry his Appeal further, I will take efectual care that the appeal shal be Regular to the King & Council and that your Lordship shal be duly advised of the affair, as well as that all Papers &c: Relating thereto shal be duly Transmitted to you.

* Interlined in Baltimore's hand.

I send Inclosed a Copy of Mr Chitwinds Lease, by wch your Lordship will see that it Expired last Decemr and that it was Let on very easie Terms viz. £40 Sterl payed down & at ten shils a hundred Acres a year. As this is but mean Land and but little Improvemts in it, and a great part of the Wood Cut down, my Opinion as to the best way of Letting it will be on a Lease Renewable for Ever if a good Fine payed down, as Iron Works consume great quantitys of Wood. He cant well be wthout this Land and almost the meanest of that Maner will now Let pr twenty shils a hundred acres He has three other Leases in No East Maner on Lives one of wch Viz. Step: Onion is stil here living.

I Congratulate your Lordship on your Victory against Mr Pen. It's generally believed that he has granted Lands to a very great Value since the year 1741 wch I hope He will be Obliged to Acct for. I am My Lord

Your Lordships Mo: Obedient
& very faithfull hble Servt
BENJ. TASKER

DANIEL DULANY TO CHARLES LORD BALTIMORE.

[Town Lands.]

Annapolis Febry 22, 1743/4

My Lord,

If I had been as plain as I ought to have been in the letter I had the Honour of writing to your Lordship about the Town land, it would, I am perswaded, have prevented any suspicion of my being negligent in getting the possession;

and I beg leave now to Supply that defect, and to represent the case as it really is, in the clearest light I am able.

When the fraudulent Grant obtained by Messrs Bordley & Larkin was vacated by Decree of the Court of Chancery, your Lordship was restored to your former right, and (in my humble opinion) Invested with the Possession of all that was not held or occupied by any body else; and if an Actual Entry was necessary to complete your possession, such an Entry is really made, ffor the Governour has not only Enter'd into the Greatest part of the Land in your Lordships right, but also fenced it in and built an house upon it. This Entry inclosing and building make your possession as clear & ample as it possibly can be.

This my Lord, is a true State of the case concerning Mr Bordley which I humbly hope will remove all Suspicion of my having been negligent, and restore me to the good opinion which your Lordship has been pleased to entertain of me.

As to the purchasers under Mr Larkin, I never received any directions from your Lordship relating to them, and the Instructions from your Lordship to your agent, convinced me that your Lordship intended to distinguish them from Mr Bordley.

I have too gratefull a sense of the obligations I have to your Lordship and how much they ought to Attach me to your Service, ever to be guilty of wilfully neglecting any thing wherein your Honour or Interest is any way concerned.

Was my ability to serve your Lordship equal to my Inclination, you never had nor could possibly have a better servant than myself.

I beg leave, My Lord, to congratulate you on your good Success against Messrs Penns, the news of which was the most

welcome and agreeable that cou'd be. I am with all possible Zeal & Gratitude

My Lord,
Y^r Lordship's most obliged
and most ffaithfull
humble Servant
D. Dulany.

[I make no doubt of your doeing in your and as you tell me as a lawyer th^t M^r Blayden takeing possesion in the manner he has done is an actuall possesion of my rite which is good in Law I have order'd M^r Tasker to cause a survey to be made of the town lands and to Specifye there diferent possessors and their rights.] *

BENJAMIN TASKER TO CHARLES LORD BALTIMORE.

[Appointment as President. Tobacco Duty.]

Annapolis 4 June 1744

My Lord

Since mine of 20^th Feb: I have recc'd the honour of your Com^n to be President of the Council for w^ch I return your Lordship my most humble thanks and I am very senceable of the great honour you have don me.

We have lately had a Court of Appeals, but M^r Bordley has not thought fit to appear there. Nor do's he take any steps towards it.

* In Baltimore's hand.

The Assembly is now in a Conclusion, but as to any real Services that they have don they might as well have stayed at home. They have prepared an Address offering your L.dShip 2/6 ℔ hhd. on all Tobo. to be Exported, but have not agreed to make good any number of hhds., so that if the Wars continue it will be very uncertain what Tobo. will be Shiped or can get home, so that I think it no temptation to your Lordship, unless you should think the circumstances of the Planters, by a low Price for their Tobo., should make them unable to pay their Rents. But the surest way for Your Lordship would be to let the Country Farm or make good such a Sum as can be agreed upon and leave them to find ways to Rais it.

As to all other proceedings of the Assembly, I shall refer your Lordship to the Governor and the Lawyers.

I am in the greatest difficultys & doubts about Remitting your Bills in these perilous times. But as the Ship I send these by, is a good Sailer, of some Force & the Master an Experienced Commander, who goes North about, I have ventured to send 68, as ℔ the Inclosed List amounting to £1044: 19–5 because I know not when any other oppertunity so good can offer, the 2d. Bills I shall keep & send by a Man of War if we have any that will go this year. As I do what is in my oppinion the best I hope for your approbation.

I am My Lord

Your Lordships Mo: Obedient
& very faithful Servant
Benj. Tasker.

DANIEL DULANY TO CHARLES LORD BALTIMORE.

[Indian Affairs.]

Annapolis June 11. 1744

My Lord,

In the letter I had the Honour of writing to your Lordship the last of May, I mentioned the proceedings of the Assembly and sent your Lordship all of them that I cou'd then get, and take this opportunity to send several others. I am very sorry to tell your Lordship that the Lower house, instead of acting more reasonably towards the close of the Session, grew more outrageous than they had been. This was owing in great measure to the Expectation that there will not be another Session before a new Election, and those who expect to be chosen make a merit among the common people, of opposing the Government at all Events.

Altho the Governor and every one of the Council were very desirous of a fund to purchase Arms and Ammunition for the defense of the Country, yet they all thought the bill sent up by the lower house of so dangerous a Tendency, and the Proviso in it so Injurious to your Lordshp, that it wou'd be better to advance as much money as cou'd be raised by it in one year, out of their pockets, than to concur in such a bill.

There is yet no news of the Indians, thô they promised to be at the place of treaty before now; which gives room to apprehend that the ffrench have seduced them to their side, as it can't be doubted but that they (the ffrench) have used and will continue to use every artifice to that purpose. If this should happen to be the case, it may be attended with

very ill Consequences, as these Indians (by the best Accounts I have been able to get of them) can bring 2000 Effective men into the ffield, and are equal, if not superior in courage to any other Indians on this Continent. However small and Insignificant this number may be looked upon in Populous Countrys, yet here where there are but few people and they very much scatter'd 2 or even 1000 would do a great deal of Mischief before a sufficient force cou'd be got together to oppose them. The Indians have these advantages, that neither Rivers, Mountains, Impassable Morasses or the thickest forrests are any Impediments to their Marching, or rather runing, to any place they have a mind to go. If they shou'd be attacked and defeated they wou'd Immediately disperse and fly into the woods and Escape with as much facility as the swiftest wild beasts. They can bear fatigue, hunger and the severest weather beyond Imagination; and where they can get no other provision, can live many days on Wild roots, with which they are well acquainted and our people know nothing of.

I wou'd not have presumed to give your Lordship this trouble, but that I conceive it to be my duty to represent, in the best manner I can, the dangerous situation your tenants wou'd be in, if the Indians should joyn with the ffrench, and of what Importance it is to all his Majestys subjects on this Continent to prevent such a fatal junction.

I humbly hope your Lordship is satisfied about the townland, and that you will believe I have that zeal to your Service, which becomes a gratefull honest man. I am with all possible duty and Respect.

My Lord
Your Lordship's most obliged
and most ffaithfull
humble Servant
D. Dulany.

P. S. June 13

My Lord

I have the satisfaction to tell your Lordship, that by an Express which came in last night, we have an Account that the Indians are on their way to the place of Treaty, which is very agreeable news.

The ffrench have begun Hostilitys already, having taken and destroyed Canso a ffishing town near Cape Breton. I am

My Lord

Y^r^ Lordships Most ob^t^

humble Servant

D. Dulany.

DANIEL DULANY TO CHARLES LORD BALTIMORE.

[Town Lands. War Rumors.]

My Lord

I hope your Lordship has received some of the letters, I have had the honour of writing to you, and that your Lordship is satisfied as to your possession of the town Land.

I embrace this opportunity to send your Lordship the proceedings of the last Assembly, and sincerely wish they were more agreeable than they are.

Our Commissioners are not yet return'd from treating with the Indians, but we have advice that every thing is fully settled, upon which I beg leave to congratulate your Lordship, as I am certain it will contribute very much to the Safety of your Province, especially the back parts.

We have advices from the Northward and Virginia that the Spaniards & Indians have taken Georgia and destroyed

all the Inhabitants, Which, if true, will (very probably) be fatal to South Carolina, and I wish the same Calamity may not reach some of the other Colonys on this Continent, as they are but in a defenceless condition. The ffrench are not only numerous themselves, but have also Ingratiated themselves with the Indians, to such a degree as, without the utmost care, will bring his Majesty's Subjects on this Continent into very great danger. I am with all possible duty and gratitude,

My Lord,
Your Lordship's Most Obedient
and most devoted
humble Servant

Annapolis July 6, 1744. D. Dulany.

DANIEL DULANY TO CHARLES LORD BALTIMORE.

[Affairs in the Province.]

My Lord,

In a letter which I had the Honour of writing very lately to your Lordship, I mention'd the Indian treaty, which is happily concluded, notwithstanding the difficultys which the Pennsylvanians endeavour'd to throw in the way.

I am satisfied the Indians had no thoughts of making any dem^{ds} for land on this Province, till M^{r} Logan or his Emissarys Infused a notion into their heads that they had some pretentions.

The Pennsylvanians have shewn their Rancor to M^{r} Cressap in a very Extraordinary manner, for when it was proposed to

meet the Indians at his house, they (the Pensylvanians) asserted very positively that the Indians hated him, because, as it was given out, he had Imposed on some of them about some land he had purchased their claim to. But when the Indians met they expressed a very great regard for him for the many Civilitys which they acknowledged to have receiv'd from him, and took particular of his Interest. I expect to have Judgments against the Intruders into Talbot mannour next Provincial Court, which will Affect one Baker a justice of peace who was the Ring-leader, more than any body.

The account we have had that Georgia was taken and the people destroyd is contradicted, as having no other foundation but a false report.

Althô: I have mentioned your Lordships possession of the town land in all my late letters, yet I hope you will pardon me for repeating the assurances I have given your Lordship, that it is as ample as it can be, And I beg leave My Lord, to assure your Lordship also, that it is not possible for any body to be more heartily attached to your Interest than I am, nor to wish more sincerely than I do, to have it in my power to demonstrate My Gratitude for the many and great favours which your Lordship has been pleased to confer on me. This my Lord, is my duty as it ever shall be my care & Study to promote your Interest and Service, as becomes

My Lord,

Yr Lordships Most ffaithful and most obliged humble Servant

D. Dulany

Annapolis July 16. 1744.

BENJ. TASKER TO CHARLES LORD BALTIMORE.

[Encroachments on the Potomac. Mines.]

Annapolis 17 Sept^{r} 1744

My Lord

It has been no small Mortification to me that proper Conveyances has been wanting to send your Bills by, I have long been in hopes of an opportunety by a Man of War, But am stil disapointed, and least your Lordship should blame me for not making use of this Ship I venture to send 68 Bills Value 1764: 5: 2 the 2^{ds} & 3^{ds} of w^{ch} I shal keep as well as of those sent by Cap^{t} Grindall for a Man of War & hope I shal not be disapointed at last.

M^{r} Beal had your Lordships Grant of an Island in Patowmack River where he made some Improvements. But one M^{r} McCurley under Lord Fairfax's Grant has disposessed him by beating him of & destroying his Houses. Several people in Virginia under that Right is getting into that part near the Fountain head of Patowmack & in time will do as our N^{o} Neighbours has don unless timely care is taken to prevent them. If they were allowed Leases or other Grants on very easie Terms it might answer.

Several people have made Resurveys and where they find a deficiency in their Grants they desire Credit for the Rents they have payed for it, w^{ch} to me seems reasonable; however I shal wait your Lordships orders therein.

Cap^{t} Cressup has made a discovery of some Lands w^{ch} has good quantitys of Ore on it like this I send by M^{r} Rocliff, I have Entered a Reserve in it 'til I know your pleasure

herein. The Governor & Mr. Dulany are going to Work in a discovery they have made. I am, my Lord,

Your Lordships Mo. Obedt hble. Servt,

Benjn Tasker.

GOVERNOR BLADEN TO CHARLES LORD BALTIMORE.

[Applications for Office.]

Annapolis Novembr 15th 1744

My Lord

I have the favour of yr Lordship's letter by the Baltimore which is but just arriv'd, I have likewise another letter from your Lordship deliver'd me by Mr Young with your Directions to give him the Naval Officer's Place of Potomack unless (as your Lordship is so good to say) I am otherwise pressingly engaged. The Case indeed is that I gave that Place above six months ago to Mr Lee, eldest son of Mr Lee by whose death the Place became vacant, which I had the honour to inform yr Lordship of by my letter by Grindall. Mr Young applyed to me for the Office as soon as he knew of the Vacancy & told me he thought he had a right to such a Provision. As this was an odd way of asking a favour I could not help saying I thought Mr Lees son, in whose favour I had before been applyed to, had, as a native of the Country, as good a right to it as he had. I must owne he retracted the Expression and say'd he had made use of it inadvertently, with which I was fully satisfyed, and I assure your Lordship I have allways since that time design'd to do him good when an Opportunity should offer, and upon Mr Rousby's death

had determin'd to put him into the Council, tho your Lordship's commands to me for that purpose had not arriv'd. In the mean time Mr Young is not absolutely destitute having two small Places one worth Twenty thousand pds of Tobacco a year, the other seventy pounds Currency. I find however he has made Application to your Lordship for this Place notwithstanding my Refusal of it to him, which I think a very indifferr Compliment to me, and in plain English saying since he could not have it with my consent he would see if he could not get it without, which would be such a Mortification as I am perswaded your Lordship's Goodness to me will not put me to the Tryall of. I shall not fail of giving Mr Young a proof of my Respect to your Lordship's Commands the first vacancy.

I had the Honour to write to yr Lordship by Captain Frasier who saild about six Weeks since, by whome I sent the Laws of last Session and of which I now send Duplicates. I hope to receive your Lordship's Commands by Grindal or Hunter who are now at home and who I suppose will sail without waiting a Convoy: I wrote your Lordship so fully by the first of those Captains that I shall trouble your Lordship no further at present but to Assure you of my unalterable attachment to your Service & that I am

Your Lordship's
Most obedient
Humble Servant
Tho: Bladen.

P. S.

I have finish'd the brick work of a very good house upon your Land for yr Governr which I shall send your Lordship a Draught of by the Baltimore. Bordley has recd 200 pounds paper money from the Country for his pretentions to

four Acres, & has declared he dos not propose going on with his Appeal. I must owne I am 500 p^{ds} sterl. out of pocket which God knows whether the Assembly will ever repay me.

BENJAMIN TASKER TO CHARLES LORD BALTIMORE.

[Leases, &c.]

Annapolis 20 Nov^{r} 1744

My Lord

I have the honour of yours of 31st May past, and shal agreeable thereto Let the Countys as heretofore, and send your Lordship the Acc^{t} of Anu^{l} Manner, and give Notice of your offer at £10 ℔ hund^{d} Acres on Leases Renewable for Ever; thô I am afraid very little will be taken on those Terms.

I shal not fail to send the Boards & Shingles by the Baltimore or Charles & also a Plot of the Town as directed & make the Reserve.

I am very glad to tel your Lord Ship that the New Town on N^{o} East Improves very fast, and that the Trade from Conostogo is carried there instead of to Philadelphia.

I beg your Lordships excuse for the trouble of the Inclosed Letters to M^{r} Hyde. But they contain several of your Bills as ℔ Lists therein to the Value of £$^{1764-5-2}_{1460:11,6.}$ The 2^{ds} of them I shal send by the Man of War, and the 3^{ds} by the Baltimore. I have already Adviced your Lordship that you have in the last Provincial Court Recovered against the Tenants on Susquehanah Manner, so that I hope we shal have [no] more trouble wth that set of people about Notingham who has been Spirited on by our N^{o} Neighbours. One Baker who was a leader now

desires to become a Tennant & pay down £30 Ster.ᵍ for a Fine on about 100 Acres; but as his behaviour deserves no countenance I shal keep him in Suspence 'till I have your Lordships directions herein.

Mr. Bordly sais that he will not prosecute his appeal, so that your Lordship is in peaceable possession. I am, My Lord

Your Lordships mo. Obedient
& very faithful servant
Benj. Tasker.

BENJAMIN TASKER TO JOHN BROWNING.

[Pennsylvanian Encroachments. Copper Ore.]

Annapolis 20 Novem.ʳ 1744

Dear Sir

I have the pleasure of yours as at foot & for wᶜʰ I am Obliged, I have also the Protested Bills as ꝑ two Lists viz. one wᵗʰ 12 Bills Value £151 : 13. 6 the other wᵗʰ 16 Bills Value £161 : 4 : 9 of wᶜʰ due care shal be taken. But I am afraid these are not all the Bills that was Protested, and I am sorry that they are not sent, because great complaints are made by the Indorsers when Bills are keep't an uncommon time.

Pray asure his Lordship that I do all in my power to prevent the Pensilvanians Incroaching on us, and the Govern.ʳ asists me as far as he can. But I am sorry to say that some people under Pensilvania Rights has taken possession of a Larg Tract near the head of Chester belonging to one Mr. Sewall of Maryland and now he refuses his Rents and his Lordship goes wᵗʰout them.

I have been under the greatest difficultys this year to make Remittances, w^{ch} prevents my sending my Acc^{ts} We have had 2 or 3 Privateers hovering all this Sum̄er about the Capes, who have took at once 6 Ships. Our Man of War all this time unfit to go to Sea, so that whether one Bill has got safe or no I know not; or whether what goes now will ever get to hand, I have long waited for an oppertunity of a Man of War w^{ch} will not offer these 5 months, so that I really can't tel how to act in these perilous times; I should be glad to be advised.

A Ship of M^{r} Hanburys of some Force will Sail in a few days, by whom I shal send some other Bills, and my Acc^{t} in hopes the short dark days & long nights may favour them. I am Dear Sir

Y^{r} Mo: obed^{t} hble Serv^{t}
Benj: Tasker

Letter dat^{d} 2 Jan^{ry} 1743/4 Dupl.
D^{o} 1 March Dupl.
14 March Dupl. & 30 May 1744.

I send his L^{d} ship by this oppertunity a Sample of Copper Ore; the Land wherein it lyes I have Entered a Reserve on. I pray advice herein whether to continue this Reserve or withdraw it.

I should be glad to know if M^{r} Plater has payed M^{r} Mudge his Bill Indorsed by M^{r} Plater—

DANIEL DULANY TO CHARLES LORD BALTIMORE.

[Boundary Lines.]

My Lord

I have received the letter your Lordship did me the honour to write to me, the Seventh of June, which gave me the greatest satisfaction that any thing cou'd possibly have done.

I have not been long return'd from a journey into the back woods, as far as to the Temporary line between this Province and Pennsylvania, where I had the pleasure of seeing a most delightfull Country, a Country My Lord, that Equals (if it does not exceed) any in America for natural Advantages, such as a rich & fertil Soil, well furnished with timber of all sorts abounding with lime stone, and stone fit for building, good slate and some Marble, and to Crown all, very healthy.

The season of the year was so far advanced towards Winter, that I cou'd not possibly go to the neck of land in the fork of Patomack, which I mentioned in a former letter to your Lordship, the possession whereof I conceive to be of great Importance, and therefore beg leave to assure your Lordship that no Endeavours of mine shall be wanting to secure it for you.

I have by several opportunitys wrote fully to your Lordship about the Settlers on Talbots Mannour, and Recoverys against them, and therefore shall not trouble you with the Repetition of them. I am with all possible duty and Gratitude,

My Lord

Your Lordship's Most Devoted

and most ffaithfull

humble Servant

Annapolis Nov^{r} 24, 1744. D. Dulany.

BENJAMIN TASKER TO CHARLES LORD BALTIMORE.

[Duplicates the Letter of Nov. 20, and Adds as Below.]

Annapolis 3 Decem^{r} 1744

I have Entered a Reserve where there is plentie of Ore of the sort I now send a Sample of.

Inclosed is a List & 227 Bills Exch^{a} Value £2644 : 7 : 9 w^{ch} I hope may Escape the Enemie as well as these sent ℔ M^{r} Rocliff, M^{r} Chew having promised me his particular care of this Packet. The uncertainty of the Man of Wars Sailing is so great that I am unwilling to stay.

The great plentie of Spanish Gold & Silver brought into New York, Pensilvania & Virginia, and the high Insurance has made a great demand for Bills of Exch^{a}; so great that the Trading people from these Places offer Spanish Silver at 5/ the ounce, Your Lordship takes it at 5/3, these offer 45 ℔ Cent Exch^{a} for Bills in Spanish Gold, you take Gold at about 41, so that the Gold & Silver that is in my hands & that I shal hereafter take, must be Remitted.

I shal send the 3^{ds} of these Bills by a Man of War when one offers. I am My Lord

Your Lordships Most Obedient
& very faithful hble Serv^{t}
Benj. Tasker

BENJAMIN TASKER TO CHARLES LORD BALTIMORE.

[Remittances. Rents.]

Annapolis 15 March 1744/5

My Lord

Having wrote so fully by Capts Hargrave & Hail as well as Lord Bauff I have now only to Inclose a List & 142 Bills Exchs Value £1922 : 1 : 5 wch I wish safe to hand. Bills Exchs grow so Valuable that they are hardly to be purchased, I must desire orders by what Ship to send over your Money by, for in the next payments I shal have upwards of £700 by me.

I send by this opportunity a Survey of the Town, as also the Boards & Shingles agreeable to my orders, and a Sample of Copper Ore. I have Entered a Reserve where this lyes, wch waits your Lordships orders.

I have Let the several Countys as heretofore wth a Clause to oblige the Farmer to Acct upon Oath, for Mr Chew & Mr Thomas the former Farmers of 3 Countys payed the full amount of the Rent Roll, but as several Lands was omitted to be put on the Rent Roll they have not accounted for such & I should not have easily come at the knowledge of this but by means of the present new Farmer. I shal as soon as possible oblige these Gent. to Acct for the Balce wch is considerable.

I think myself happy that I did not send any of your Lordships Bills by Capts Hall, Judd or Frazier who it seems are all taken.

I wish your Lordship all health & prosperity as being my Lord

Your Lordships
Most Obedient and
Most faithful hble Servt
BENJ. TASKER.

FREDERICK LORD BALTIMORE TO GOVERNOR OGLE.

The Lord Proprietary to Samuel Ogle Esqr his Lordships Lieutenant Governor in Maryland, on his Lordships and his Guardians Appointment of his uncle The Honourable Cæcilius Calvert Esqr Secretary of his Lordships Province of Maryland.

London September 17th 1751.

Sir.

I know not yet what success your Endeavours to serve me will have, but in regard to your Endeavours and good service both as to my late Dear Father and to the Province in general you merit and have my Esteem; and I can assure you, they make a deep impression on me, who am sensible of all obligation.

The Love I have for the People of Maryland is most certain, since properly speaking, 'tis the same I bear myself, therefore the success of my Affairs, I shall allways aim may extend to their private as well as their Publick emolument, not doubting but they will let me find my just own in it.

As my Departure on my Travels abroad is now soon, you will be some time e'er you hear from me. I depend on your fidelity and that your Administration in my Affairs will be prosperous under the safe Conduct of my Guardians, whom I have all the reason to believe from their Honour to reap the greatest happiness.

It being necessary to the Affairs of the Province here, I have out of the Love I bear him in conjunction with my Guardians, sign'd and approved of the Appointment by commission of my Uncle Cæcilius Calvert to be Secretary of Maryland. The Charge and trouble that must attend it, is most fitting should have reward, 'tis therefore my earnest Desire that a Salary of £450 ℔ annum to be settled upon him for this service, and it cannot be unreasonable that the same should be made good to my Uncle out of the Profits of such Offices of Government, as will best bear it. As to Mr Jennings my Uncle's Deputy, I am sensible their office will not bear an Extract as to each Particular, touching such Payments; also am Desirous all due and proper regard and consideration be had for his faithful services, therefore I hope the following Distributions to the Payment of the aforesaid Salary will not fail to meet with Approbation and Acceptance. Vizt

From your self as Governor.	£200	℔	Ann.
From Mr Jennings as Deputy Secretary.	50	-	Do
From the Commissary General	100	-	Do
From the Land Office.	100	-	Do
	£450	-	℔ Ann.

I rely on your immediate Performance, and the Gentlemen in the said several offices compliance therewith, of which you

will take care of in favour of my Uncle, and to have his said Salary to settled as to be paid him by half yearly Payments, of which you will give him notice, which will be greatly Esteemed amongst the rest of your Services By

P. S.
My best wishes attend on all and my Compliments on Mrs Ogle.

Your Proprietor and Affectionate Friend
BALTIMORE.

JOHN SHARPE TO EDMOND JENNINGS.

John Sharpe Esqr one of the Guardians to the Lord Proprietary, to Edmond Jennings Esqr Deputy Secretary in Maryland, notifying the appointment of the Honourable Cæcilius Calvert Esqr Secretary of Maryland: and mentioning, that the Death of the Late Lord Baltimore had put an End to the Commission and Agreement with the Penns.

London December 20th 1751.

Dear Sir.

I received the favour of yours, and hope the Late Lord Baltimore's Death has occasion'd no sort of Interruption in the Administration of the Publick Affairs in the Province.

The Probate of his Lordship's will under the Seal of the Ecclesiastical Court being transmitted, that, with the Commission from the present Lord and the Speaker and my self as his Guardians, is certainly sufficient to answer all Purposes whatsoever.

The Death of his Lordship hath not only put an End to the Commission, but I hope to the Agreement to, for as the

late Lord was only Tenant for Life, and the present Lord by the settlement made on his Fathers Marriage, Tenant in Tail; I think the Agreement can never bind the present Lord the Tenant in Tail. But this is what we keep to our selves. Messieurs Penns have not as yet filed any Bill of Revivor.

The present Lord having out of his great Regard and Affection for his Uncle Mr Cæcilius Calvert desired us to appoint him Secretary of the Province of Maryland, the Speaker and I, have as his Lordships Guardians and at his Request and Desire and with his Approbation, accordingly appointed Mr Calvert Secretary of the Province; and it being his Lordship's earnest desire and intention, that his Uncle should have a reasonable Salary annexed to the said office, and which his Lordship thinks cannot be less than 450lb a year; and as this is properly an office of and belonging to the Province, his Lordship thinks and is desirous, that this £450 a year should be settled on his Uncle for this Service, and should be paid by the Principal officers of the Province in the Proportions following Viz—

From Governor Ogle	£200 ℔ Ann.
From the Commissary	100 ℔ Ann.
From the Land office	100 ℔ Ann.
From your Self	50 ℔ Ann.

Now as I know the Affection and Regard his Lordship has for his uncle, and how anxious he is in having this settlement made for his uncle, and to be paid him by half Yearly Payments; and how greatly any disappointment herein would effect his Lordship, and as he is thoroughly satisfied the said offices can very well bear to answer the above sums, I have therefore taken the Liberty to inform you of the earnest manner in which his Lordship desires this Provision for his

Uncle may take place, and I am sure nothing can be more agreeable to or more oblige his Lordship than the Accomplishment of it.

Upon his Lordship first mentioning this, he proposed a much larger sum to your share, and here I did you every service in my Power, by representing to his Lordship the great and eminent Services you had done his Father, and which I was sure, you would continue to do for him; and pressed the matter of your Proportion so strongly upon his Lordship, as to get it reduced to £50, and in which Mr. Calvert himself heartily Joined with me.

I do not trouble you with any thing in answer to those parts of your Letters which relate to running the Lines, as I consider that matter as now over and at Peace.

I am with the most perfect Truth and Esteem

Dear Sir

Your most obedient and faithful Servant

Jno. Sharpe.

P. S.

I don't see how there can be any possible occasion for any Suit to be commenced in Maryland by the late Lord's Executors, and therefore have not sent any Powers to take out Administration with the will annexed in Maryland. But if any such occasion is likely to arise, on your informing me of it, such Powers shall be immediately sent.

I am glad Mr. Calvert is disposed not to raise any dispute touching the Devise to him, at least 'till My Lord comes of Age. I have delivered your Letter to the Speaker.

SECRETARY CALVERT TO GOVERNOR OGLE.

The hon^{ble} Cæcilius Calvert Esq^{r} his Lordships Secretary of Maryland to Samuel Ogle Esq^{r} his Lordships Lieutenant Governor there. On Boundaries between Maryland and Pensilvania. Answer to Addresses from both Houses of Assembly the one to his Ma^{ty} on the Death of the Prince of Wales, and the other to the Lord Proprietary on his Fathers Death, on church Preferment in the Province, on expiration of Leases in Ann Arundel Mannor. In relation to Laws passed in a session of Assembly begun the 15th of May 1751. Instructions concerning aiding M^{r} Tasker about the Rent Rolls, and on M^{r} Ogle's Letter of the 30th of March 1751.

London May the 15th 1752./.

Sir./.

I doubt not but you have received before this time my Letter to you of the 24th of December last with my Commission as Secretary of the Province under the Appointment of the Lord Proprietary and his Guardians; which authorizes my Correspondence, with you on my nephew's Concerns in General under such capacity. And as the Boundaries between Maryland and Pensilvania are of so great Importance to my nephew, I make that the chief subject of this Letter.

Maryland in the Kings Charter the 20th of Jany. 1632 is thus described viz. "That of a Peninsula lying in the Parts of America between the Ocean on the East and the Bay of Chesopeak on the west, and divided from the other part

thereof by a right line drawn from the Cape of Land called Watkins Point situated in the aforesaid Bay near the River Wighco on the west, unto the main Ocean on the East, between that bounds on the south, unto that part of Delaware Bay on the North, which lyeth under the fortieth degree northern Latitude from the Equinoctiall where New England's Ends &c:- In which description the Boundaries thereof evidences the King's Royal Intention that they should extend North beyond Delaware Bay, which was then understood to reach to the 40th Degree of Northern Latitude and was so described by the charts of those times; and thô upon more exact observation it may be discovered that the Bay don't reach so far North, yet it is natural to conclude, That the North part of the Bay was by the said charter intended to be the North part of the Boundary of Maryland, which was confirmed to be so, by the subsequent Grant of Pensilvania dated the 4th of March 1680, and by the Ancestors of Lord Baltimore.

I am now to desire your Thoughts concerning the 12 miles Circle round New Castle I find Pensilvania by the Grant for it, is bounded, on the East, by the River Delaware, and on the South by a Circle Drawn at 12 miles Distance from the Town of New Castle Northward and westward (that is by the Northward and westward parts of that Circle) unto the beginning of the 40th Degree of Northern Latitude, then by a strait Line &c: which seems perfectly to agree with the above mentioned Bounds of Maryland.

And in the years 1681 and 1682, numbers of Industrious People with their Familys and Estates by favour of the said Grant went over to Pensilvania and settled themselves, making Large Improvements and beginning at the southern Bounds of the Province on Delaware River as the Bounds before described; and about the year 1683. Lord Baltimore then

in Maryland, caused a Line to be Run and marked about 6 or 8 Miles more northerly than the above mentioned Bounds, as his northerly Boundary at that time; which the Pensilvanians never made any grant or settlement to the Southward thereof until the year 1714 when by a large Astronomical Instrument sent over by them, for that Purpose, and by another like Instrument after that time sent over by the Late Lord Baltimore observations of the Latitude were made, whereby the claim of Maryland by Lord Baltimores People was extended not only beyond the Peninsula and Istmuss of the Bays of Delaware and Chesopeak and the Line run by the late and present Lord Baltimore's Ancestors; But passing the Istmuss, the Claim of Maryland was thereby carried up the Rivers Delaware and Susquehannah so far as to take in the most valuable Improvements of Pensilvania; alledging that these observations of the 40^{th} Degree should be carried to its utmost extent; notwithstanding all the Limitations of the Country being fully described in their Letters Patent, which point out certain visible Places on the Earth, while all Astronomical observations will in some Measure for ever be uncertain. The causing of these observations to be made, I conceive to have been the first Rise of contention between the two Proprietors from the year 1714. The next Consideration arising, is to desire you would inform me how my Nephews Right to Lands and to what distance of Miles lying to the Northward of the Peninsula and of the Bays of Delaware and Chesopeak have been of late and are now bounded and understood, between Maryland and Pensilvania, and to let me know your opinion concerning the Propriety of the Present Lord's confirming or disallowing the same.

Please also to give me your opinion and a Description concerning the scituation of Newcastle and the Country about it

for composing the 12 Miles circle, either by observation of the Sun horrizontal or measure by the wheel; and in either Respects, how it will effect within Reach of the Bay of Chesopeak, as it is of great consequence for the Pennes to have no Right to any water from that Bay.

I am next led to desire your opinion and a Description of the true Cape Henlopen, how near it is scituated to the Mouth or Entrance of Delaware Bay, touching the Boundaries of the County of Delaware, or that County called the three Lower Counties, and tract of Land lying between the River and Delaware Bay and the Eastern Sea on the one side and Chesopeak Bay on the other; to be divided into two parts by a Line from the true Cape Henlopen to the 40th Degree of northern Latitude and please to let me know in your Judgment what Parts thereof may properly belong to Maryland, and what Parts to Pensilvania; and how such Parts may be described for Lines to be run by Rivers and Marks to avoid all Differences.

It is therefore My Lords and his Guardians earnest Desire and you must be sensible how acceptable it will be, to be informed from you, who is on the Spot, and has been almost from the Commencement of the said Boundaries being disputed at Law, until and now after the late Lord Proprietary's Death; and as no one can so properly assign wherein the late Lord Proprietary in the Articles of Agreement between him and Pensilvania Family was over reached by the Penns, You will no doubt point out the same, for the Benefit, Interest and Property in Dominion of the present Lord, and for his Information; who on his coming of age, it is most likely will. (If with honour and Justice to his Family and the Province he can) constitute a new agreement with the Penns, his Fathers agreement with them being void by his Death, as well as the

Commission from Chancery sent to Maryland and the Decree of that Court for carrying such agreement into Execution. For the late Lord Baltimore was only Tenant for life by his Marriage Settlement and the present Lord by the said Settlement is Tenant in Tail, and therefore not subject to any act of his Fathers in any Bargain or Sale of Property in any shape whatsoever wherein the present Lord is Tenant in Tail; and as the said Articles of agreement executed between the present Lords Father and the Penns was subsequent to the said Marriage settlement, the same is void of course, which the present Lord when he comes of age will adhere to, his Lordship and his Guardians being confirmed therein by the opinion of Council learned in the Law.

The High Station you were in by the Favour of the late Lord, and which you now continue to Enjoy from the present Lord and his Guardians, and your Capacity of giving full Information concerning the Right of Boundaries with Respect to the two Provinces, causes this Application to you for the same and to be full and explicit therein, that the present Lord may be well acquainted therewith on his coming of age, to inform his mind and Enable him to give his Judgment in all the said Matters of Property belonging to him consistent with his Honour and Interest, and the Interest of the Province, and to avoid if possible any contention at Law with his Adversaries, by Amicably adjusting all Differences in Dispute.

On the Receipt of this, you will lose no time in sending to me your Intelligence, accompanied with your best advice, opinion, and Descriptions on the subject matters afore said, and with such charts and maps as you shall think most proper to be made for the better Explanation and Intelligence to the Lord Proprietary and his Guardians in England.

The Address transmitted to his Lordships Guardians from both Houses of Assembly to His Majesty concerning the great Loss sustained by the Death of His Royal Highness the late Prince of Wales, has been by the Guardians means delivered to the Right Hon^{ble} The Earl of Holdernesse one of His Majestys Principal Secretarys of State, who there upon presented the same to His Majesty, and was by His Majesty most graciously received, which you are to notify accordingly to both Houses of Assembly.

The two Addresses to the Right Hon^{ble} Frederick the present Lord Proprietary from each House of Assembly on the Death of the late Lord Proprietary his Father, are also received; and his Lordship being abroad, his Guardians desire you will communicate their Thanks on his behalf to the two Houses of Assembly for the same.

In a Letter from my Nephew dated at Paris February the 29th 1752 are the following Lines. I have one thing to recommend to you, that is to write over to Maryland my Desire, that all Livings which are to be given away from henceforth, may be for me, by which means I shall have an opportunity of obliging them I think fit; and knowing those who are sent over to my Province in so good a character.

The Speaker of the House of Commons one of my Nephews Guardians recommends to you (in pursuance of Sir George Lee's Request to him) M^{r} Benjamin Young and his Son who are in Maryland, and desires that you will on any opportunity that you may have, promote M^{r} Youngs Son in some Employment.

On finishing this Epistle, I had the favour of yours dated the 30th of March last, which mentions your late Illness, and that you were upon the Recovery, which I sincerely wish the

completion of, for it gave me concern to hear of such an Indisposition having attak'd you.

By the same Conveyance I received a Letter from Mr Tasker wherein he mentions Ann Arundel Mannor, and the near Expiration of the Leases thereof; and proposes for My Lord to grant further Leases thereof for 99 years renewable for ever, which he apprehends the present Tenants would take, and he thinks it adviseable for My Lord to comply therewith, for he is afraid the present Tenants will not renew upon any other Terms.

The favour of your advice and opinion on this matter will be very acceptable to My Lord to consider on his coming of Age, as it will determine the consideration thereof.

The Speaker Mr Onslow sends his compliments to you and he is obliged to you for your Letters to him, which he now would have answered, but has postponed the same until the Return of the Approbation or Disapprobation of the Laws of the Province passed in the Session of Assembly held the 15th of May 1751, Three whereof are now under consideration of the Attorney General, viz.

The Law concerning one convict being Evidence against another, is objected to by the Speaker and Mr Sharpe his Lordships Guardians, as a Law repugnant to the Laws of England, there being no such provisionary Law of Evidence in this Country. The Speaker mentioned that he should consider against the next Session of the Parliament of Great Britain; whether it would not be adviseable for a clause to be obtained in some Act, on behalf of the Plantations in this case. However as this Law is so necessary for the Preservation of the Lives of the People in Maryland, It is thought and hoped, It will pass the opinion of the Attorney General; The necessity thereof being so urgent.

The Law concerning Negroes and slaves, is thought by the Guardians may be attended with much Cruelty, in as much as the Masters of such Negroes and slaves upon accident of killing of them, are not cognizable to Tryal; It being thought reasonable, That a Person so killing should be accountable by Law in some manner for such action, to prove the occasion thereof.

And the Law concerning Princess Ann Town, the Guardians will I believe Dissent to, the saving clause to the Right Hon^{ble} The Lord Proprietary his Heirs & Successors & his respective Right being not properly secured to him by reason the one penny Lott is not ascertained therein and it being thought, that part of the said Town is Escheated to the Lord Proprietary.

The above Laws objected to being with the council, I cannot so clearly state the objections to them as I should do, were they now with me, But to the best of my Remembrance these were the Thoughts of the Guardians, when the Laws were before them.

A Question has arisen by the Guardians concerning the Assembly sitting and making Laws after the Death of the late Lord Proprietary, which is before the Attorney General for his opinion; whether the Laws so made are valid in Law by your Passing them? or if not, whether their Validity will be Established by the Guardians approving of them?

I return you much thanks for your kind wishes and Endeavours for the Establishment of the satisfactory recompense for my service here in my Transactions with the Lord Proprietary for the welfare of the Province, agreeable to the Plan thereto by the Lord Proprietarys Desire in his Letter to you, and you may depend your particular Service therein will in Return from me meet with embracing every favourable oppor-

tunity in my Power for your Service and Establishment, who am with real Zeal and Respect

Your most obliged humble Servant

CÆCIL.S CALVERT.

P. S.

You herewith receive an Instruction from the Guardians, which you will take care to execute.

SECRETARY CALVERT TO EDMUND JENNINGS.

The Hon.ble Cæcilius Calvert Esq.r his Lordships Secretary of Maryland to Edmund Jennings Esq.r Deputy Secretary there; on the Boundaries between Maryland and Pensilvania. For a Plan of the City of Annapolis. Observations on the Deputys Letter dated the 29.th of March 1752 and concerning his want of Leave to come to England.

London May the 15.th 1752./

Sir./

As you and I are by Commission both appointed Secretary of the Province of Maryland, My commission with yours I doubt not but you have received before this with my Letter of the 24.th of December last. I therefore with you enter upon the subject of the Boundaries of Maryland and Pensilvania, desiring what ever Errors and Imperfections I may commit, you will in your answer set me right; For I am sensible you are acquainted with all matters relative thereto, and with all that has happened, concerning them of late years.

I think it appears by the Kings Letters Patent granted to Cæcilius Baron of Baltimore, the Province of Maryland by the particular bounds and descriptions in the said Letters Patent contained, clearly and indisputably includes the Tract of Land called the three Lower Countys, which Bounds his Lordship and his Ancestors have always laid claim to; and of which Tract of Land his Lordships Ancestors had Possession 'till Question'd in the year 1685.

It also appears to me that King Charles the second by Letters Patent granted to William Penn the Province of Pensilvania, by Bounds and Descriptions therein mentioned, and which no ways comprehends but clearly excludes the three lower Countys which lye part on the West side of Delaware Bay, For the grant of Pensilvania is bounded on the westward by the East side of Delaware Bay, and on the South by a Circle drawn at 12 Miles Distance round New Castle Northward and Westward into the beginning of the 40th Degree of northern Latitude.

Anno 1683 I find the Duke of York applied to the Crown for a Grant of these three Lower Countys under pretence, that thô they were included within the Bounds of Lord Baltimore's Grant, that yet, by the Preamble of the Grant of Maryland it appeared, that the Lands intended to be granted were only such as were uncultivated, from the words: hactenus inculta; whereas he pretended that the three Lower Countys were long inhabited by the Swedes and Dutch, and consequently did not Pass by the Grant.

It appears the then Lord Baltimore opposed the passing His Grant to the Duke of York, which Petition depended 'till the Demise of the then King so that such Grant never Passed, and,

The 13th of November 1685 Lord Baltimore's said Petition came on to be heard before the Lords of the Council when

the Duke of York was King, at which time Mr Penn appeared against Lord Baltimore as Agent of the Crown, and not on behalf of him self; and the Lords of the Council on such hearing were of opinion, that the Lands intended to be granted to Lord Baltimore were only Lands uncultivated and inhabited by savages, and therefore Judged the three Lower Conntys to belong to His Majesty; and their Lordships Report was afterwards confirmed by the King in Council; and Mr Penn and Lord Baltimore required to yeild obedience thereto.

The Revolution following soon after this order was made, the Government of Maryland was assumed into the hands of the Crown, by the Reason of the then Lord Baltimore's being of the Roman Catholick Religion, and so continued 'till the year 1716 and from that time to the year 1725 Lord Baltimore was in Minority; But during all this time Lord Baltimore and his Ancestors did ever claim the utmost limits and bounds mentioned in their Charter, but the Government after the Revolution probably apprehending a greater attachment to them from the Quakers of Pensilvania than the Inhabitants of Maryland, and taking the advantage of the said order in the year 1685 put the three Lower Countys under the care of the same Governor who was Governor of Pensilvania; But to prevent the Penns from insisting on any Right to the three Lower Countys on this account, the Crown has always insisted on the Penns signing a Declaration to His Majesty, that His Majestys approbation and allowance of the Person, who was Governor of Pensilvania to be Likewise Governor of the three lower Countys, should not be construed in any manner to diminish or set the Right claimed by the Crown to the said three lower countys.

The Penns from the Governor of Pensilvania having thus intrusted with the Government of the three lower Counties

Delaware River

Fac-simile of the Map prepared as an Exhibit in the Suit brought by the Penns against Lord Baltimore to determine the Boundary Line.

soon took into their heads to endeavour to make such advantage of this accident, as to make the three Lower Counties considered as part of Pensilvania, and for that purpose, they employed People to settle and improve there, protecting them from paying any Quit Rents to Maryland and at the same time promising that they should be free from paying any Rents to Pensilvania Proprietors, providing they would own them selves their Tenants. This quickly caused these three Lower Counties to be Peopled and cultivated, but in such a situation that neither the late Lord Baltimore or the Penns could ever get any Rent from them, and the late Lord Baltimore being greatly uneasy to have so large a part of his Province claimed by the Penns, and being determined to ascertain his Rights thereto, in case it could not be agreed in an amicable manner, his Lordship proposed to leave it to Commissioners on both sides to settle the Boundaries between the two Provinces, and after several attempts for that Purpose, I am acquainted that articles of agreement dated the 20th of May 1732 were entered into between the two Proprietors, Leaving to the Commissioners to run the Boundary Lines between the two Provinces.

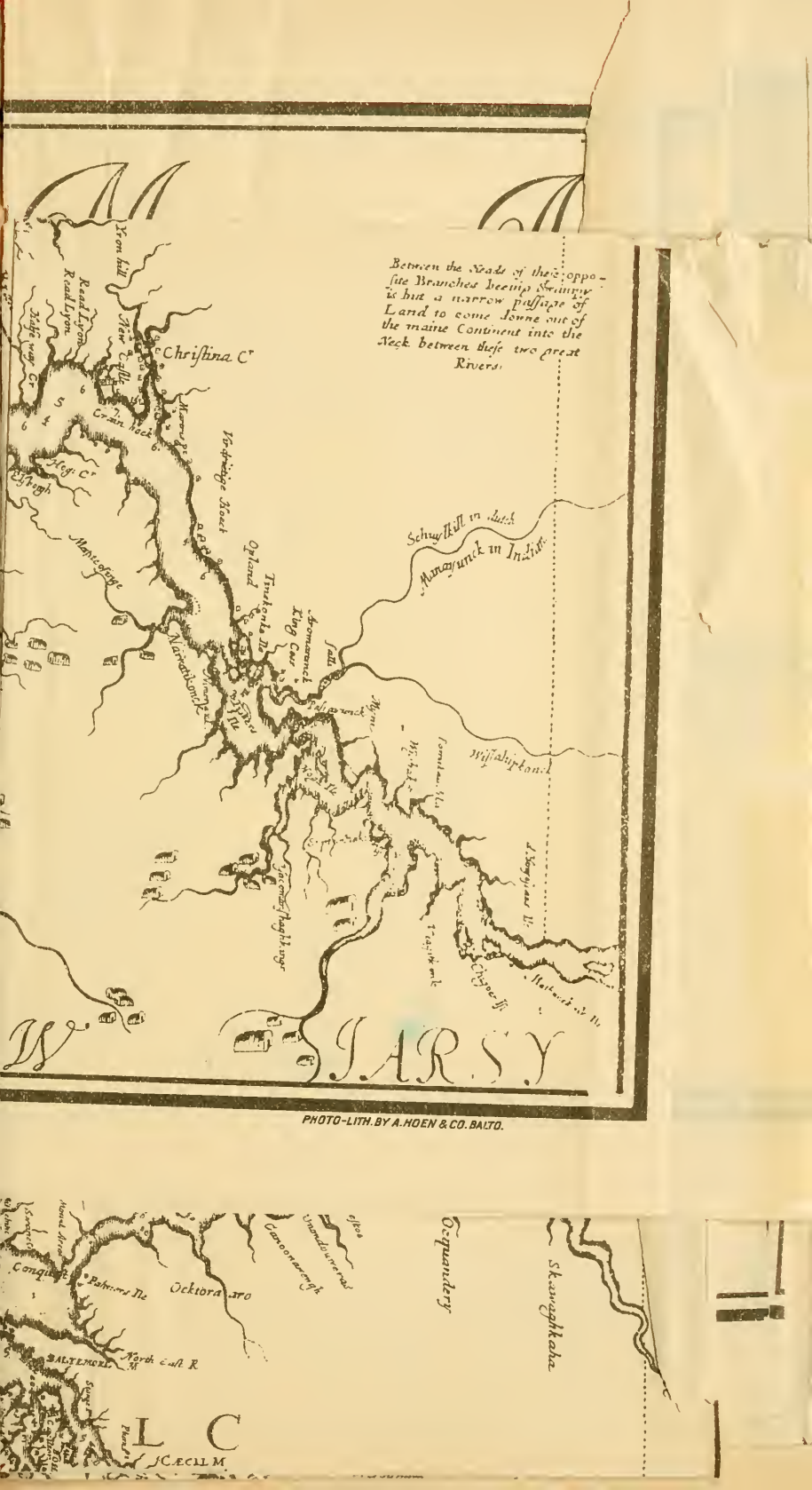
These Articles of agreement after being signed were sent and being laid before some Geographers in Maryland, it appeared to them, the late Lord Baltimore had been greatly Deceived and imposed upon therein, particularly that the Penns had in the Mapp referred to by the agreement placed Cape Henlopen and described it as it if had been the Whorekiln another place and placed Cape Cornelius where Cape Henlopen should be, a great distance from each other of many miles to the great Prejudices of the Lord Baltimore. It likewise appears that Lord Baltimore could not possibly receive any advantage from any concessions made in these Articles by the Penns, and

Therefore had no consideration for giving up such vast tracts of Lands to the Penns, which would be given up in case the Lines should be in the manner the Penns Commissioners insisted on.

The 8th of August 1734 it appears Lord Baltimore preferred his petition to the Crown, humbly praying inter als., his Majesty not to interpret the words, Hactenus Inculta, in a sense exclusive of any part of the Lands comprized within the Limits of his charter althô some small parts thereof should at the date of the charter happen to have been inhabited by the subjects of Foreign Powers.

The 16th of January 1734, This petition I find was referred to the Board of Trade, their Lordships of Trade made their Report in Lord Baltimores Favour, upon which M^{r} Paris Agent for the Penns, inter als, presented a Petition in the name of the Penns, setting forth the said articles of agreement in 1732, and praying that the said Lord Baltimores Petition might be dismissed.

The 10th of May 1735, it also appears that the Lords of the Committee appointed, to be attended upon the said Petition and report, and My Lord President then laying before their Lordships, a Letter he had received from Messieurs Penns acquainting his Lordship, that they had directed a Bill in chancery to be filed for a specifick performance of the said articles of agreement in 1732, and humbly hoping their Lordships would not proceed to any determination on Lord Baltimores petition, 'till the event of such suit in chancery should be known; Thereupon their Lordships were of opinion and so reported to His Majesty, that the consideration of the said Report and Petition should be adjourn'd to the end of Michaelmas Term, that the Penns might have an opportunity to proceed in a Court of Equity to obtain relief upon the said


Between the Heads of these oppo-
site Branches beeing Scituate
is but a narrow passage of
Land to come downe out of
the maine Continent into the
Neck between these two great
Rivers.
Christina C.
Schuylkill in Dutch
Manayunick in Indian
Wiccahipponk
Ockotorarro
Conquinake
Pohimies Ne
Canoonenengh
Skawaghkahe
Sequandery
JARSY
PHOTO-LITH. BY A. HOEN & CO. BALTO.

NOTE. *Fac-Simile of a portion of a Map of Virginia and Maryland made by Augustin Herrman, from his own survey in 1670. This Map, upon which the position of Cape Henlopen, at the entrance to Delaware Bay, is correctly shown, was engraved by W. Faithorne and published in London in 1673.*

articles of Agreement, the said Report was confirm'd the 16th of May 1735.

Here I leave all Enquiry of what has happen'd since, in which you have been so principally concern'd, and are so well acquainted with; only I make these observations, That I conceive, the merits of the two charters Right has not been tryed, and I think it seems plain, the Penns have no colours of Title to the three Lower Counties.

What is now desired and required of you for the present Lords Service is: As you was a Commissioner for settling the Boundarys of Maryland And Pensilvania appointed by the late Lord Baltimore, and consequently have been at the several disputed Places of such Boundarys; and as by the death of the late Lord Proprietary the afore mentioned articles of agreement be entered into with the Penns, and all Proceedings subsequent to them, by such Death are now at an End; his late Lordship by his marriage Articles being only Tenant for Life, and the present Lord Tenant in Tail, and therefore not bound by this act of his Fathers.

The Present Lord Proprietary and his Guardians desire you will send me a proper Description for his Lordship's and their information, how the Boundarys were pointed out to have been settled by the said articles, and to describe wherein his Lordship's Father was over reached by the Penns. And you are desired, to propose a proper Rectitude of such intended Boundarys, by pointing out those, which in your Judgment would be the proper Boundaries for both the Provinces, Both as to the 40th Degree northern Latitude, and as also the Eastern and Western Division on the Eastern Shore, by a Line drawn from the true Cape Henlopen Northward, adjusting the Differences between the Penns with relation to Maryland in respect to the three Lower Counties; For the present Lord with

Honour and Justice to his Family and the Province of Maryland, and to avoid new contentions with the Penns, to agree to, which his Lordship is desirous of, and that you would send me such charts or mapps you shall find necessary to be made, for explaining the same.

In a Letter from my Nephew dated at Paris May the 6th 1752, he informs me, and desires I will insert in my next Letters to Maryland, his desire of a Plan being sent to him of Annapolis and 'tis Environs, to be drawn by one of the best Surveyors; which I recommend to your care, and hope, you will by the first opportunity the same.

On almost finishing this Epistle, I have the favour of you very obliging Letter from Annapolis dated March the 29th 1752 which arrived by the way of Bristol, and I have but just time to acknowledge the Receipt thereof.

What you relate on My Lords Affairs gives me concern, thô not so sensibly affected with Ill consequences, as I regard the present Lord Proprietarys Property in Maryland to be so well secured to him, and not to be subject to any loss. Yet it would be of great satisfaction, if the Boundary Line you mention'd had not been run, A loss was it to be, including near 200 square Miles, hitherto to have been held under the Government of Maryland; I cannot conceive the Chancellor here will Decree the said Line to be carried into Execution, it seems neither Lawfull nor Equitable, therefore I have no apprehension of such a Determination.

The weak unauthorized Loss sustained, by the destructive articles of agreement executed by the late Lord, indeed is a melancholly and vexatious subject even to think on, however Justice will ever prevail against Fraud and deceit; and the present Lord has Fortitude and Resolution and too good an understanding to defend himself, as not to Justify his

Honour and Interest both in regard to him self and to his Province.

Mr Paris was lately with Mr Sharpe, his Errand was from Mr Penn; Mr Sharpe hinted to him of the articles of Agreement being void, Mr Paris replyed, he was afraid so, and said he came from the Penns, to Know if Affairs in Dispute between the two Proprietors, was to be amicably adjusted; Mr Sharpe replyed, most certain, and that the present Lord Baltimore was desirous of the same, and he could answer that the same was the sentiments of all Persons concern'd for him; which would appear on My Lord's side on his arrival at age: Mr Paris replyed that amicably the same was the Desire of the Penns. Thereupon all further Discourse on this subject ceased, with this agreement to Rest all matters until My Lord was of age.

You may depend upon the sincerity of my friendship to you, and that I shall always be desirous of doing you any good office. As to your Leave of coming over, his Lordship's Guardians, to whom I have mentioned the same, Desire you will postpone all such Thoughts until you have My Lords own Leave, which you may depend I will obtain for you at his coming of age, which I think will be the 6th of February next; which shall be forwarded to you by the first opportunity afterwards; In the mean time you will furnish me with such Returns to this Letter as you can, and if any thing shall remain to compleat the same, let such be brought with you. I am wishing you all Health and Happiness, with peculiar Esteem

Your faithful Friend and
Servant
Cæcil.s Calvert.

SECRETARY CALVERT TO BENJAMIN TASKER.

The Hon^{ble} Cæcilius Calvert Esq^{r} his Lordships Secretary of Maryland to Benjamin Tasker Esq^{r} his Lordship's Agent and Receiver General there, concerning the Quit Rent Roll Books with a Plan describing how to make out the said Books, to be sent to England, with Directions advice and observations of and concerning the same, so as to render the said Quit Rent Rolls of use and true to the Lord Proprietary. Directions as to Bills to be taken in Maryland, and inquiry who Possesses the 10000^{d} acres Lady Baltimores Bequest on the Death of Thomas Brerewood Esq^{r}

London May the 15th 1752.

Sir./

The six debt books or Quit Rent Rolls for part of Lord Baltimores Estate in Maryland for the year 1750 are come to hand; But from whom is yet unknown no advice having been received with them; nor do they express when the said year either commenced or determined.

The said Books have outside Titles, but no inside ones or explanations to show what the Entrys in them mean; They are supposed to stand for numbers of acres, and sums of the Quit Rents, and by Computations so far as have been tried are found to be made at the different Rates of Ten shillings ℔ 100^{d} acres for some, one penny ℔ acre for others, Four shillings ℔ 100^{d} acres for others, and two shillings ℔ 100^{d} acres for others; At which last mentioned Rates 25 acres is either

one shilling or six pence, and for numbers of acres under 25 at those rates, either one half penny or a farthing an acre are computed for them, as the nearest calculation to one shilling or Six pence for 25; and other Rates of Quit Rents may hereafter appear to have been received. Which computations in many Particulars disagreeing with the quantities of acres and sums computed thereon; and the said Debt books or Quit Rent Rolls being also found erroneous in several additions and carryings over of Totals from page to page, wherein totals are carried over, for in some they are not, it evidences their having been transmitted without Examination. They therefore must be properly authenticated, and made out in a more correct and explanatory manner; For which a form is prepared and herewith sent you, That one annual Quit Rennt Roll for each County may be signed by the Register and Collectors to remain in England as a regular annual charge, wherein only future additions or alterations may be noted in subsequent years. The Errors hitherto found on these examinations are inlisted and sent you to show the Imperfection of these Debt Books of Quit Rent Rolls, for it is useless to spend more time in going through the whole.

This Form supposes the reserved Quit Rents to be all on one Kind of Tenure; But if otherwise; the Quit Rent Rolls of Estates in Fee should be separate from those on Leases, and those on Leases should have distinct Rent Rolls; The one Roll to be for Rents reserved on Leases for Lives, expressing for what Lives; and the other Roll to be for Rents reserved on Leases for Terms of years, expressing for what Terms. And it is proposed that in the said form, the Pages in the Register Books should be entered, to satisfy my Lord and his Guardians, that the Quit Rent Rolls are true by being taken from the Entry of the original rise of each Quit Rent.

Then to have the owners names with the names of the Lands they hold, the quantitys of acres under the different Rates of Quit Rents each quantity are held, to be entered in distinct columns, and each Rent computed into the Sterling amount thereof to be added together, and the Totals of such additions where more than one parcel of Land is held by the same owner, to be carried into an extreme column; which extreme column will then contain the annual Sum in Sterling money payable by each owner for his Quit Rents: And as the numbers of acres held under each Rate of Quit Rents are in separate Columns, they will make Totals to prove the computations to be right, either of each owners annual sum, or the Total of Quit Rents to any page, or of the whole Rent Roll of each County; And the Quit Rent Roll of each County should be made out on the same sized Paper, and sent over by one or two Countys at a time as compleated, that they may be bound together in England when the whole are received.

On perusing Instructions heretofore sent and with you, for granting out the Reserved Mannors and Lands in each County, on Leases for Lives on certain Fines and at Quit Rents of Ten shillings ℔ 100ª acres; It is necessary to have a Return made of the several reserved mannors and Lands in each County, and the names of their respective Tenants, the numbers of acres with the several holdings that each claim under; and an Account of what Parts now remain ungranted of the said Reserved Mannors and Lands in each County; And of all Escheats which may have happened to the Lord Proprietary, and to have a distinct Quit Rent Roll for each County of the said Lease hold Rents for Lives, as before observed, to be made out and signed by the Register and Collectors, as the Quit Rent Rolls of Estates in Fee are to be, and on the same sized Paper, which Quit Rent Roll is to remain in England

as a regular annual charge, wherein only future additions or Alterations may be noted in subsequent years.

N. B. It appears that in St. Marys County several Parcels of Land are yet held under the Delivery of certain Bushels of wheat or other corn; Altho by virtue of the marriage articles of Benedict Lord Baltimore binding on him, and Charles his Father and also on Charles Late Lord Baltimore by his and their marriage articles; no grants of Lands in Maryland were to be made without Reserving the Customary Quit Rents and it is apprehended here, that many Trials have been had in the Province on that account, where Grants have been made without such reserved Quit Rents; To which the owners of such Lands have submitted to pay the said Customary reserved Quit Rents, as in Law and Equity they always must; and this Right of property as to the holding having been so rectified and submitted to, why is it not under all such like cases.

It is necessary also to have a distinct account of all the Tenants holding Ferrys in each County, wheter granted by Leases to the County Courts or private Persons; distinguishing the Lesers names, the Terms of years in their Leases, and the several reserved annual Rents thereon, to be made out on the same sized Paper as the other Quit Rent Rolls, and signed by the Register and Collectors, if the said leases have been registred (which ought to have been) or to be otherwise properly authenticated, which account is to remain in England as regular annual charge, wherein only future additions or Alterations may be noted in subsequent years.

The Guardians for the present Lord Baltimore Lord Proprietary desire for their satisfaction, and his Lordships Information, answers to the following Particulars.

Whether the Register has had the proper surveys with the Boundarys of each county delivered him from the Land office, or from whom, or where such surveys Issue; and to know what Quantitys of Land are still ungranted in each County and how scituate, and what different Quit Rents may be reasonably reserved for such ungranted Lands according to their scituation and Goodness.

To Know on what conditions and under what Quit Rents the first Grants of Lands in Maryland were made, and what alterations have happened in subsequent Grants of Lands under the Authoritys of the several Lords Proprietarys; and the Reasons to be assigned for the different rates of the Quit Rents payable for the Lands so granted; But particularly where different Quit Rents are reserved for different Quantitys of acres of the same described parcel of Land; which appears to be the case by the Debt Books or Quit Rent Rolls received.

Whether the Register ever gave the Collectors or Farmers proper quit Rent Rolls from the Register Books, of all the Lands granted in each County, with the names of their respective Parcels, to whom granted, and under what Quit Rents reserved; And whether every alienation from one owner to another, or Escheat of Lands in fee to the Lord Proprietary for want of Heirs, have been registred in the Province; and what Price such alienations or Sale of Lands generally bear in Maryland. And an Account is to be sent over of all Lands possessed under Escheats, and how and by what Authority the same are now held, with their improved Rents.

To whom is the first Application made in Maryland on any Persons applying for a Grant of Land, and in what manner must such Person afterwards proceed at each respective office or Place for obtaining such grant and the Possession of the Lands therein specified.

The observations herewith sent, will be a Plan for making out the Quit Rent Rolls of the Eastern Shore, and whereas by your Letter dated at Annapolis the 24th of October 1751, to Mr John Browning, which is but lately come to my hands, you their mention the Rents and Rent Rolls of the Eastern Shore, and that the Decree had put a stop to your speedy Prosecution thereof, by reason of the Lines that have been run, and that many of the Tenants of the Lord Proprietary being taken in by those Lines as part of the Province of Pensilvania, they will not pay Rents in Maryland: Yet it is certain that the articles of agreement between the late Lord Baltimore and the Proprietor of Pensilvania are now void, by the reason that the late Lord Baltimore was only Tenant for Life, and the present Lord Proprietary of Maryland by the settlement on his Fathers Marriage, is Tenant in Tail; and therefore the Agreement by the Tenant for Life, cannot bind the present Lord Proprietary who is Tenant in Tail; and consequently those Lines, cannot now take away from Maryland the present Proprietarys Right to those Tenants. And as this is now the case, and I hope understood so by the Governor; The said Tenants described within those Lines are now or will be as before be the Tenants of Maryland.

And by another Letter dated the 8th of November last to the same Person, you desire to know, to whom the Bills hereafter to be taken in Maryland are to be made payable here; whether to the present Lord, or the Executors of the late Lord. In answer thereto, as to the Bills for Arrears due to the late Lord, they must be made payable to his Executors; But Bills for Moneys due to the present Lord must be made payable to him and to his Guardians; and in case any Action or Protests should be occasioned to be brought in either case, the one must be at the suit of the

Executors of the late Lord, and the other at the suit of the Guardians of the present Lord.

On the Death of Thomas Brerewood Esq^r who was by Permission of the late Lord Proprietary suffered to enjoy the Grant of Ten thousand acres the Bequest of Lady Baltimore, who devised the same to the Hon^ble Charlotte Brerewood, the Title to which, being only the gift of Charles Lord Baltimore the late Lord^s Grand father, to his Lady, the late Lord by virtue of his Fathers Marriage Articles, held the Tenure of paying a Bushel of Indian Corn instead of money, in Quit Rents, to be void; and as the said Thomas Brerewood is dead, you are desired to inform me in whose possession the said 10000^l acres now are, and what rents (for the use of the present Lord Proprietary) are paid for the same.

Your Letter dated the 2^d of last month with the Papers inclosed, is just come to hand; To the matters contain'd therein, the Guardians now being out of Town, I cannot by this Conveyance give you an answer.

You have herewith an Instruction from the Guardians on the subject matter of this Letter, which I hope will enable you to perfect and do what is herein desired; and the Lieutenant Governor has also an Instruction sent to him on the same subject.

I am very sorry That the observations of the Inaccuracys in the Debt Books sent over has occasioned the Guardians notice thereof; which inaccuracys I apprehend have proceeded from Persons Intrusted by you, and as such, I represented the same to the Guardians on your behalf; assuring them of the Honour and integrity you have always bore in life, which I am very sensible of, and the Guardians thereupon were satisfied; not doubting but you will Exert yourself in obtaining what is now required. In the mean

time you may depend upon the sincerity of my friendly services to you, who am

Your real Friend and humble Servant
CÆCIL.s CALVERT.

P. S. The Several matters of this Letter are drawn up by me pursuant to the Guardians' Directions, to whom the same has been read.

SECRETARY CALVERT TO BENJAMIN TASKER.

The Hon.ble Cæcilius Calvert Esq.r His Lordship's Secretary of Maryland to the Hon.ble Benjamin Tasker Esq.r first of the Council of State, and Agent & Receiver General in the Province of Maryland. On the Shipping Business. On Ann Arundel Mannor. On Remittances by Bills of Exchange. On Capt.n Hyde's Arrears. About the Expiration of the Farmers Leases of the Rent Rolls. on the Acts of Assembly in May & Dec.r 1751. on the Death of the late Gov.r Ogle about Palatines going to Maryland. About the Resignation of his Office of Agent. About the Forfeiture of Susquehanah manner. and on Mess.rs Penns Petition to the King in Council concerning their South Boundarys.

London July the 9.th 1752/

Sir/.

Yours of the 2.d of April last, has been by me communicated to His Lordship's Guardians, who have perused the same,

and have approved by way of Answer to the Particulars as follow, viz.

On the Shipping Business. That is the Tonnage I suppose you mean depending on Trade. It is desired to know If the same is taken according to the Report of the Sollicitor General, and the Kings Order of Council thereupon, at the Court of White hall the 23^{d} of February 1692.

For by a Law of the Province in 1661, it was enacted that all vessels whatsoever not properly belonging to the Province, having a Deck flush fore and aft, coming in and Trading within the Province, should pay for Port Duties and anchorage a Pound of Powder and Three Pounds of shot or so much in value, for every Ton of Burthen, to the Lord Proprietary and his Heirs, which Duty hath by usage been turn'd into money. Viz. Fourteen pence ℔ Ton, and so answered to the Lord Baltimores, and constantly applied to their own use &c.

For the order of Council, vide, Votes and Proceedings of the Lower House at a Session of Assembly the 1st day of May 1739.

On Ann Arundel Mannor. The consideration this mannor falls under is of great Importance, as it is the most valuable and has the Lead; being the first erected Lands into a mannor to hold Court Baron, and to have a view of Frank Pledge in the Provi. It was Plann'd by the first Proprietary to inform his successors, that by reserving Judicially particular Parcels of Lands in and about the Province, such Properties in time would be a valuable Augmentation of Riches to them, as the increase of People settling about such Premisses would in time make the Demand of them Lands very valuable, and one of the chiefest Recompence for his and their great Expence and Labour for the Enlargement of the Empire and Dominion of Great Britain. From these Branches of Property the

Proprietarys Revenues will increase from time to time; All other Revenues issuing from Lands within the Province being granted out to the Purchassers in absolute Fee, are subject only to a small annual Quit Rent to the Proprietarys and their Heirs for ever. The Property of the mannors being as I conceive herein specify'd, his Lordship will and all concern'd under him must, Beware of the first Step, in fixing Rents that are to issue from them binding on him and his Heirs (according to your Proposition of Leases for 99 years for Ever) You therefore must state the case of the Tenants of Ann Arundel Mannor, with the conditions and Proposition the Tenants by offer make to the Lord Proprietary for renewing their several Leases. Upon due Consideration thereon touching the Lands, and each particulars just Rights, Interest and advantages, you are to give your opinion and assign Reasons, viz. why conducive to the Lord's Consent, with the prejudice it will be to him, his non acceptance of the condition, and of his said Tenants offers. The same you will by the first opportunity transmit to me, to be laid before my Lord and his Guardians for their consideration and answer. You should have mention'd the time of expiration of the said Leases, for it's very material the having notice at least two years before their Expirations, whereby the Proprietary may have sufficient time to determine on Affairs of such Consequence to him, by negotiation to and with the Province, as may ascertain him in a right Judgment concerning the same.

On your Remittances by Bills of Exchange. If you mean all money Bills, since the late Lords Demise, which have been transmitted by you, is on account for arrears due to the late Lord, You have done right in assignment of them to the Executors. As to Bills of this Lord's they ought to be assigned to his Guardians; But if by mistake you have blended

this Lords account with the late Lord's by assignment of Bills to the Executors; You must make a Distinction of the two Lords accounts in the stating of your general Account, the Guardians thinking it not material to direct any other alteration, by reason of the present Lord's being so near of age. Viz, the 6th of February 1753. Whereas Bills of Exchange payable to the Proprietary being drawn on all parts of Great Britain, are therefore by him or his Banker obliged to be circulated for payment, and consequently subject to loss in point of Time, or by the mislaying of Bills with the Parties on whom they are drawn, the difference of Exchange, and charges of Letters &c; and to loss even of the whole Bill; as for instance, by the List of Bills of the 29th of November 1746 with you, the Bill of Exchange drawn by Benjamin Grassen on John Corbett at Glasgow for 40ℓb. Mr Browning says that he delivered it to Mr Hanbury in March 1747 and that Mr Hanbury did not Return it to you protested 'till December 1751. You therefore see the consequence the said Bill must prove to you, and the Difficulty you and he will have in the Recovery of the same, either from the Endorsers, or on the Party at Glasgow on whom the said Bill was drawn.

Whereas by Instructions to former Agents, which all successors in the said office were always to have Regard to; It doth appear, that orders were given and executed conformable thereto. Viz, That all Shipping officers, as to Bills arising by virtue of the aforesaid Duties or otherwise, were made payable to the late Lord Baltimore in London (agreeable to the Rents which are in Sterling) except those to the payment of the Governor's Salary; and were likewise to take care that all other Bills of Land warrants &c. were also made payable to him in London. Vide Instructions to Nicholas Lowe Esqr Agent &c dated the 5th of December 1722. How comes this

method of Remittances to have been altered? The Difference by Reduction of charges &c, as to Quantum in value thereby less received to the Proprietary is too considerable to slip unregarded; and in which the Proprietary will no doubt substitute a Remedy.

Upon the Demand of Account you inclosed to me of old Captain John Hyde, I have discoursed Mr John Hyde his Son, thereon, who says, that he is desirous of having an amicable End put to all his Brother's affairs in Maryland, and will do every reasonable thing that can be desired of him for that Purpose; But he can't as an honest man be so partial as to give all or a great part to a few, and little or nothing to the many thô small Creditors of his Brother; That he has often wrote to you, and now repeats it again, that when his Brothers Creditors are satisfied in Maryland in general, if any thing remains in his Power, his Intentions are to be grateful. As a friend I advise, be cautious if any thing comes before you wherein a Byass may be suggested; try healing measures; I think Mr Hyde means well to the sufferers, and concessions should be made for the Creditors in general I find he has wrote, he would rather part from Rights of his own, than seek to take from the Creditors of his Brother. I think you would find your account in attending to this advice. His Letter to Mr Philipp Thomas Senr and Mr Wm Thomas acknowledges (which you have herewith inclosed) Lord Baltimore's Quit Rent as ℔ account you sent me due to his Lordship and not paid, nor will he pay it here. You therefore must attach and distrain the Lands, and take all such measures as will secure the Proprietary his money at all Events.

The Farmers Leases of the Rent Rolls, your advice is desired, as to the time of their Expiration.

The several acts of Assembly passed at the Sessions of Assembly for the Province, begun the 15th of May 1751, and ending the 8th of June following, which acts have been confirmed by a subsequent act of Assembly begun the 7th of December 1751, and the said former acts having been under the consideration of the Guardians, with the assistance of His Majesty's attorney General and his Lordship's Council: And as the Guardians by their Letter to you, incline to leave the full Consideration of the acts of Assembly in the May Sessions 1751 to his Lordship for his Determination when he shall be of Age. I being present at the conference on them, and having taken some Minutes and observations, take leave briefly to add my own private Thoughts to you; not as clashing with their opinions in point of Judgment on them, but as a small Testimony of my sincere Regard and Zeal for His Lordships Service, and the well being of the Province, and means to remove all objections to any particular act of the said sessions, that may arise with his Lordship, when under his Consideration.

The objections to the propriety or Expediency of three of the said Acts, as to the particular Provisions contained in each of them; I have here under represented such, as I conceive may arise with the Lord Proprietary.

The Act for making the Testimony of convicted Persons legal against convicted Persons has occasioned great doubts and Difficulties, For however salutary such a Provision may seem as adapted to the particular Genius and present circumstances of this Country, yet the Power of Legislation is Limited by charter with this remarkable restriction that the Laws be not repugnant, but as near as may be agreeable to the Laws of England. This calls for the greatest Care and attention to avoid doing any thing, that may bring any difficulties or Inconveniences upon the Lord Proprietary, by taking

too great a latitude in the Construction of the Charter, and thô he will be unwilling to signify his Dissent to any Law passed by the Legislature of Maryland where he can possibly avoid it. Yet he can never give His positive assent to this Law without the most Deliberate consideration.

In Respect to the Act Entituled "An Act for the more Effectual Punishment of Negroes and other Slaves and for taking away the Benefit of Clergy from certain offenders and a Supplementary act to an Act Entituled an Act to prevent the Tumultuous meeting and other Irregularities of negroes and other slaves and Directing the manner of Trying Slaves.

I can Entertain no Doubt from the great Prudence and long Experience in the Constitution and Genius of the Legislative Power, and in the late Lieutenant Governor, but that the Propriety of the several Regulations made by this Law, the particular Severities and Penalties it inflicts, with the methods of convicting offenders and the provisions laid down for the Discipline and Regulation of Slaves, have all received the most serious consideration and are found necessary for the well being of the Publick and the Preservation of the Community, and are agreeable to the Ussage and Laws respecting slaves in the rest of His Majestys American Dominions, for which reasons I apprehend the General Expediency of this Law may very properly be referred to the Discretion of the Provincial Legislature, But I cannot help observing a great Inaccuracy at least in the Penning the 9th section of the act by which a Power is given to any Person to Kill a Slave making resistance, and the Person Killing is indemnified from any Prosecution for such Killing. The Expression I am satisfied meant no more than to carry an Indemnity after the Facts had been judiciously brought by Legal Tryal within the circumstances prescribed by the act, and that the act ought

to receive this construction both from the Judge and Jury, But, from the manner of Penning the Expression, a Doubt may arise whether the Killer is not to be Priviledged even from Indictment and Tryal; and yet, how shall it appear, that the Killer was Lawfully authorized to apprehend, or that the Slave had offended, or had resisted, but by Evidence at the Tryal; so that a Tryal is necessary to make this Excuse appear, and to bring in the Justification under the Act. I could wish to see this Inaccuracy rectified by Expressions more explicite to obviate every Doubt and the Inconveniencies which may result from such Doubt.

The only remaining Act which deserves a Particular consideration is "An Act to aid the Title of Purchasers of Lots in Princess Ann Town in Somerset county.

And I am sorry to find His Lordship will be under a necessity of Dissent to this Act, as this Law is a manifest Invasion of his Lordship's private Property without his Consent first had and may prove a mischievous Precedent hereafter if not cheked in the Beginning. It Determines upon a Doubt of Escheat without apprizing his Lordship of his Title even by Extinguishing the very Right of Escheat; It sells his Lordships Lands, at a price settled by the People, and not him self, and strips him of his Quit Rents, which had been reserved to him by another act not above six years before, without any Equivalent for what the act takes from him. How the act came to be passed in the Province or what were the particular motives of necessity or Conveniency to Recommend it, I am at a Loss to guess; having received no information upon it further than the preamble affords, and therefore I can only Judge upon the act according to the appearance it carrys upon the face of it. Nor indeed has there been furnished with any other Rule or means of Deter-

mining upon any of the acts Transmitted, in which ones Judgment would have been greatly assisted by a previous Information as to the Rise and Progress of each act, the springs which gave it Birth and the Ends proposed to be attained; and I cannot help recomending the Transmitting some short succinct account of this Kind to accompany the future acts to be transmitted for the Lord Proprietarys Approbation.

Thus, Sir, I have acquainted you with my sentiments upon the propriety of the said three acts of Assembly.

As to the act relating to the Escheat and that Strips the Lord Proprietary of his Quit Rents which have been reserved to him by a former act; I conceive the same may be ascertained to his Lordship by a supplementary and explanatory act, without a disagreeable negative from home; And the Inaccuracy of Expression in the act for the more effectual Punishment of negroes, may be set right also by a like supplementary and Explanatory act; which Hints from me I recommend to your consideration, that you may prevail on the Legislative Power of the Province to Establish, in case another Sessions of Assembly shall happen with you subsequent to this Letter; as they will preserve the said Laws and remove every objection to them here; for it will be very disagreeable to the Lord Proprietary to begin the Exercise of his Government with any Dissent, as it will be also disagreeable for a new Lieutenant Governor to open his Commission with any Dissent to former acts passed by his Predecessor.

Herein I think my Sentiments on the said acts do not clash as I observed before with those who considered them on the conference.

As to the last mentioned acts I hope in case it should be necessary for you to meet a Session of Assembly before the

arrival of a Lieutenant Governor, they will be aided by the Legislative Power with such supplementary and explanatory acts to them as may remove all objections; especially the act concerning Princess Ann Town, which certainly must have as it now stands, My Lord's Dissent. The Consequence of which Dissent I am well informed, will be the occasion of a Dissolution to the act for the continuation of actions and securing the Peace and good Government of the Province passed in the sessions of Assembly begun the 7th of December 1751, wherein, that, and all the other acts passed in the May Sessions before are confirmed; which will be laid before His Lordship when he comes of age for his consideration, with the said other acts.

I now proceed to answer yours of the 6th of May last confirming to me the death of His Lordship's Lieutenant Governor, Mr Ogle, in consequence whereof you have taken upon you the Government, as first in the Council of State.

I am sorry for the Loss of the Lieutenant Governor especially it being at so momentary a time as the near Approach of the Lord Proprietarys being of age; However as all things are subject to mortality, I am glad you have the Exercise of Government. The Guardians are well satisfied therewith from your honest Reputation. And I am informed That as you being first in the Council, in taking upon you the Government on the Demise of the Lieutenant Governor, it is agreeable on such accident, and has been usual throughout all His Majestys Plantations. I have attended the Lords for Trade with what you sent me for them, and their answer was, That they supposed it was in the customary Form and would be satisfactory.

The Copy of the commission whereby the late Lord Proprietary appointed you President of the Council I laid before

the Guardians, it being void on the Demise of his Lordship, and you being vested in the Government of the Province as first in the Council, the Guardians think it unnecessary to renew the commission of President.

As to the Sessions of Assembly. It may have been necessary to meet in June as you represent, concerning the inspecting Law which expires in December 1753; and I hope the Guardians will have the satisfaction of hearing of a regular and peaceable meeting of the said Assembly. As to my part I do not in the least doubt, but you will do every thing whilst under the Honourable situation for the welfare of his Lordship's Interest and for the good Government of the Province; and that the connection you had with the late Lieutenant Governor will enable you to pursue his Measures as such.

I have given a Recommendatory Letter for M[r] Bartholomew Myer a German, who intends a visit to the Province of Maryland, whose occasion is and may be the Introduction of a number of Palatines into the Province, as his credit is great with them; Therefore as the Increase of People is welcome to My Lord Proprietarys Dominion, I hope you will show him all such civilitys as my Letter to you imports to him, and desire the same from all others as Friends to the Proprietor and the Province. I have also given a like Letter to you committed to the care of Mess[rs] F. and R. Snowdens and Dr. Wolstenholme, to whose care a number of Palatines now bound for Maryland are consign'd; to do such service to the Palatines at their Landing, for conducting them to the place of their Settlement in Maryland, as by my said Letter will appear; which services must be done at the most moderate Rate in respect to the Lord Proprietor, and so as to answer such requisites as are necessary to their service.

Yours of the 19th of April came to my hands after that of the 6th of May last, and I am very much obliged to you for your kind Reception of Mr Pye who is a Relation of the Family.

I make no manner of doubt, nor I think will his Lordship have at his coming of age, when I shall lay before him, the consequence of your several pecuniary transactions, how beneficial they have been to his Fathers Revenues, and are now established to his present Lordship; of which he certainly will be sensible when he considers the same, how they have been improved from time to time during your acting in the agent and Receiver General's office. As to your resignation of this office, whereof you have wrote to my Lord, your Letter I have forwarded to His Lordship; but you must postpone all present Thoughts thereof until his Lordship's coming of age; at which time according to your desire my Lord will give you his Information concerning the same, which I shall apprize his Lordship of, it being your Request.

As to the Susquehanah manner, I cannot at present send you the Proofs as you desire concerning the Talbots Forfeiture of the same; But I have spoke to Mr Sharpe one of his Lordship's Guardians, who has directed me to give orders to Mr Hamersley his Clerk and a Sollicitor at Law to make the Inquiry and to obtain proper Evidence thereof from the Commissioners of the Forfeited Estates in the year 1715, in which I shall loose no time in obtaining and sending to your care.

Here is one Mr Brooks in London, called Doctor, he has been to wait upon me, and I find by him he has practiced Surgery in Maryland. The Intercourse between us has been with civility, he has wrote me a Letter lately professing much Esteem for me, but as my being concern'd in Transactions of Affairs for my nephew, and he expecting daily to act as agent

concerning Remonstrances coming from Maryland, in which he shall do (as he calls it) his Country service, is afraid it will break off all further Correspondence between us. What he means I know not; however, if true, it shows there are some Ill designing People, who are consulting to disturb the Quiet and Peace of the Affairs belonging to the Province; and of which I apprize your for your Inquiry, as also to let me know the character of the said Dr Brooks.

Inclosed is a Copy of Messieurs Penns petition to the King in Council concerning the South Bounds of Pensilvania, which if fairly Run, I think will meet with no obstructions either from the Lord Proprietary or the Inhabitants of Maryland; however as the Maryland Northern Boundarys are not specified in the said Petition, so as to desire Commissioners to act in concert with commissioners for Pensylvania; and the said petition having been referred to the Lords for Trade and Plantations, the Lord Proprietarys Guardians have in that office entered their caveat thereto; as a means to be heard as to what shall be relative to run the said south Boundary of Pensilvania, in regard as it may effect the North Boundary of Maryland; which I inclose to you for your private Satisfaction and all those concern'd in the Establishment of the proper Boundarys between the two Provinces; and I hope a Prelude to the Penns being convinced that the late Lord's articles of agreement with them concerning all Boundarys between the said Provinces, is void, by reason of the late Lords Marriage Settlement, so as not to bind the present Lord under so injudicious an Agreement.

You have herewith a Letter from the Guardians, and the Instructions they have sent from time to time. I think it will be right for you to consult with Mr Secretary Jennings in all Publick affairs; as to vacancys in the Council of state,

you would do well to have the general opinion of the said council for the filling up such vacancys, unless you have very particular Reasons to the contrary. I beg pardon for intruding upon your Power with this advice, which I hope will be acceptable to you, as my offering is with good intention.

Before I conclude this informs you (tho not proper to be publickly known) after thanking you for your good wishes to me, that on considering my state of health and Time of Life, I have declined the Guardians offer of the Government to me, and as I am sure, it will be better supplied by another more proper Person in all Capacitys.

By advice from abroad, My Lord is in his way to England, and soon expected. I am wishing you a good Judgment in all things, with peculiar Esteem and Respect

Sir

Your most obedient humble Servant

Cæcil^{s} Calvert

Post. In an Article of my last Letter to the late Governor I mentioned a Request the Speaker made to him by the desire of Sir George Loe, on behalf of M^{r} Youngs son being promoted to some Employment when opportunity offer'd, which I now renew to you.

In the Sessions of Assembly the 7th of December 1751. there is voted an Address to the Kings most Excellent Majesty from the Upper and Lower Houses of Assembly on account of the Death of the late Prince of Wales, which Address, together with an Address on the Demise of the late Lord Proprietary, were both voted in the former Sessions in May. The Latter having arrived, That to His Majesty was presented by the Earl of Holdernesse Secretary of State, and was by

His Majesty most graciously received; and which I notified to the late Lieutenant Governor, in my Letter to him of the 15th of May last, the Guardians desire of his acquainting both Houses, of His Majestys Gracious acceptance thereof; as also, that on the Death of the late Lord Proprietary their Thanks on behalf of the present Lord Proprietary for the same, he being abroad; which I hope has been done by you to both Houses, pursuant to the said Publick Letter.

Your general account I have received, but have not yet had time to look into it, so soon as I have I shall return you answer thereto.

As to your remittances, the following lists of them, with their Bills have come to hand, viz.

The List of the 8th of Jany 1751, to the amount of,	£1844 - 9 - 4
Dto of the 16th of September &c	£1551 - 6 - 7
The List of the 24th of October 1751 to the amount of,	£3401 - 3 - 4
Dto of the 8th of November Dto.	£1512 - 5 - 4
Dto of the 20th of April 1752 Do	£2013 - 3 - 6
Do of the 20th of May Do	£1041 - 5 - 1½

Note: Mr Browning makes the October List amount to £3401 - 3 - 7

SECRETARY CALVERT TO BENJAMIN TASKER.

The Hon^{ble} Cæcilius Calvert Esq^{r} His Lordship's Secretary of Maryland to the Hon^{ble} Benjamin Tasker Esq^{r} first in the Council of state there, for assisting the Palatines embarked for Maryland on board the Ship Patience Captain Steel on their arrival there.

London July the 9th 1752./.

Sir./.

By the Ship Patience, Captain Steel, a number of Palatines are embarked for Maryland to settle there, which being notified to me, and a Recomendation to you desired of me, in favour of Messieurs F & R. Snowdens & D. Wolstenholme to whose care they are consigned and recomended.

I therefore desire you will give such necessary Assistance to these People on their Arrival, to forward them to Manockesy (which I understand is in Frederick County) or where else they shall want to go to settle within the Province, as is in your Power, and that they may be accomodated in a proper manner; But the charges attending any such service to them must be done in the most moderate manner in respect to the Proprietor and to answer their Requisites necessary to their Service.

The increase of People being always welcome, your prudence would have supplied this Letter in a Kind Reception of them; never the less as particular occasions may require your favour, I conclude my Recommendation of them, in giving them all possible satisfaction relating to the manner and Place they shall Choose to settle in Maryland, I am, Sir,

your most obedient Servant

Cæcil^{s} Calvert.

SECRETARY CALVERT TO EDMUND JENNINGS.

The Honble Cæcilius Calvert Esq^r His Lordship's Secretary of Maryland to Edmund Jennings Esq^r Secretary in Maryland to be informed of the numbers of Members in Both Houses of Assembly and of all Offices and Officers constitued in Maryland.

Additional Thoughts concerning the Boundarys; on three of the Acts of Assembly in May Session 1751; on the Lieutenant Governors Death & M^r Taskers taking upon him the Administration of the Government; and to know in whose care the Secretarys Office is to be left when M^r Jennings has leave to come to England.

London July the 9^th^ 1752./.

Sir./.

The Lord Proprietor is of opinion, that the best way to Govern men, is to gain their Affections, and as one of his greatest and constant cares will be, to make the Marylanders taste happiness of his Government, and to make his Power. as far as he can insensible to them, the good of the State of his Province being his first Thought, and not understood by him the Good of the State a vain fantastical name, but the real Benefit of those who compose it.

The State of his civil Government in himself, and composed jointly in Two Houses of Assembly. The upper, under his own appointment, or his by his Powers delegated to his Governor for such purpose; The Lower by the choice of the Freemen, return'd their Representatives: which Bodys Poli-

tick are by his authority summons'd to form and substitute the legislative capacity, under his sanction, for the well being and mutual advantage of all Persons in his Province. These being the Chief machines of his Government, he has injoin'd me, as he is desirous at his coming to age of all Knowledge of his Affairs actuated within his Province; and as he can not attain a clear understanding thereof, but by the means of being rightly informed of all Powers Authorities and offices constitued by his Ancestors, with their several Jurisdictions appertaining and the Transactions that doth Issue forth from them respectively.

I here send you a List, for My Lord's Information thereon from you viz.

1st How many members compose the Upper House of Assembly, what are the Officers of that House?
2d How many members compose the Lower House of Assembly what are the officers of that House?
3d Chancellor or Keeper of the Great Seal officers under him.
4th President of the Council, officers under him.
5th Church Livings, how many & Counties & Parishes?
6th Judges, how many?
7th Commissary General officers under him?
8th Attorney General?
9th Judge of Admiralty Court officers under him?
10th Court of Appeals officers in that Court?

11th Agent and Receiver General
officers under him?
12th Naval Officers, how many
officers under them?
13th Rent Roll Keepers?
14th Sheriffs of Countys
officers under them?

And all other offices not set down here, you are desired to inlist, with the additions of the several names of all Persons holding offices &c now in Possession, with the Rates of value ℔ ann as each may produce, to the best of your Intelligence Knowledge and belief. Your Return with dispatch to me for his Lordship's Information concerning the same, Will be giving great satisfaction to the Lord Proprietary. The advantage of your fidelity Duty and Friendship therein, will meet with Reward by the peculiar mark of his Favour, amongst the rest of your services.

I now proceed by way of intelligence to relate to you my additional thoughts concerning the Boundarys. The late Lord Proprietarys Articles of agreement and the Papers relative to the Proceedings of the Commissioners appointed, as well by the late Lord Baltimore as Messieurs Penns, to run the Lines between the two Provinces of Maryland and Pensilvania, according to the articles dated the 10th of May 1732. since my last to you of the 15th of May, have fallen into my hands.

The Draught or plan printed in the margin of the Agreement sent over from America to the Partys to the said Agreement by their resp. Agents in those Parts, by which the Agreement was to be explain'd and understood, is, as to particular Parts, if not the whole falsely charted and described. As for Instance In respect to Cape Henlopen, the fraud is

Evident beyond contradiction, for Cape Cornelius is substitued and laid down northward in the Plan where Cape Henlopen is, and has been described, as appears by all charts of those parts down to this time, and is evidently so admitted by the Penns own Private Map, in which they call the Cape Henlopen as appears in the Plan, the false Cape, fixing and describing the Cape Henlopen northward at the mouth of Delaware Bay, where it's falsely described by name Cape Cornelius, printed in the Plan and in the margin of the agreement aforesaid.

As to the twelve miles circle distance from Newcastle, being drawn horizontal miles contended for by the Pensilvania Commissioners or superficial miles as insisted by the Maryland Commissioners. It seems not necessary that the whole Circle should be performed, the Penns being Intitled to the Lands north and South within this Circle; The only use being to fix where the north and South Line drawn from the Cape Henlopen line will fall on the Circle as to the tangent Line; If that Line proceeds due north and South, then it will fall on the End of that Radius which is drawn twelve miles due west from the Centre at Newcastle, and consequently a due west Radius being drawn there and a small segement of a Circle southward of that Radius is all that is necessary; and this may be done by superficial measurement: and this seems certainly to be the Intention of the Parties when they executed the articles; For they could not intend a imaginary line drawn in the air, they must have meant an actual Line to be drawn on the Earth; as the usual measurement of Land is by the chain on the Earth, and not taken by observation. It being a Terrestial object to pass and as such only to be Run with certainty upon the Earth by the Chain superficially, which contains the Quantity of soil known with Exactness.

As to the fifteen miles due South of Philadelphia, I can't conceive what could induce Lord Baltimore to substitute this Article. The Pensilvania Charter as to its Bounds viz. on the East by Delaware River and on the south by the twelve Miles Distance from Newcastle northward and westward. Now a westerly Line run at the End of the twelve miles Distance Northward and Westward of Newcastle, appears as a right Line to conclude the North Boundary of Maryland, and South Boundary to Pensilvania. The Maryland Charter says, north unto that part of Delaware Bay on the north which lyeth under the fortieth Degree of Northerly Latitude. And the End of the twelve miles distance northward and westward of Newcastle, would certainly reach the full extent of the North part of the Delaware Bay, and the End of the twelve miles distance as aforesaid, seems to compleat fully the south Boundary of Pensilvania described by its charter. Therefore I conclude the said fifteen miles by Articles substituted, they must I fear have over-reached Lord Baltimore considerably in prejudice, as to Loss of Country at the Head of the Bay of Chesopeake.

As to Cape Henlopen. It depends upon the Extent and the scituation of its being ascertained, and the Point for drawing of the Line to be fixed as equally for both sides as it can, by Comissioners according to their own Judgment, by such Lights as can be got, so as to fix the Point fairly between both Parties by splitting any difference between them. The Point being agreed to, the East and West Line to run from the Cape to the middle of the Peninsula, and the strait Line from the Westward Point thereof Northward up the Peninsula unto the twelve miles Circle, round New Castle, would be easily performed.

As to the great work of conclusion this Lord may have with his Adversaries, setting aside his Fathers Articles of

Agreement with them, by which means he may arrive to constitute a new Agreement, In order thereto I conceive, he must be furnish'd with all Incidents and circumstances necessary to this, To throw the fullest Lights upon the Point in Controversy, those to be collected either from Reciprocal Admissions, or the Testimony of Witnesses, confirmed by exact Plans and Charts, Locally and truly deleniated, supported by Proof to uphold his Construction, and Impeach theirs. His cause thus really produced, will enable him to determine; also to support the Rectitude thereof, before the Lords, at the Council Chamber, where its Determination properly belongs. By Report from their Lordship's to His Majesty in Council for its final Conclusion.

I send you these observations as a means of your understanding what sense I have of this important Dispute between Lord Baltimore and the Penns; and in which I shall be glad to be better improved as to Knowledge therein by your advice and Judgment.

I now proceed to say something relative to some particular acts of Assembly passed at the Session of Assembly begun in May 1751, which acts have undergone the most deliberate consideration of his Lordship's Council at a Conference with the Attorney General, and the said acts being confirmed by a subsequent act passed in the December Sessions following, which act having been laid before the Guardians, as well as the former acts, and thô by the Guardians Letter to M^r^ Tasker, they have inclined to leave the full consideration of them to My lord at his coming of age, yet I shall briefly add as a matter between us, my own private sentiments for your consideration, viz.

1^st^ An Act to make the Testimony of convicted Persons Legal against convicted Persons.

2d An Act for the more effectual punishment of negroes and other Slaves &c.

3d An Act to Aid the Title of Purchasers of Lots in Princess Ann Town.

As to the first. This Law seems to me, not only expedient, but indeed necessary for the Safety and good Government of the Province, for now this Disability is in truth become a Priviledge, and the Infamy of any convict is a shield to protect himself and all his Fraternity from the hands of Justice. This inconvenience can never be felt in England, because our Felons here, are either dispatch'd by Execution, or removed by Transportation, by which last means they become a numerous Body in the Plantations, so that as the Law stood before this act, if a convict had cuñing enough to make choice of proper accomplices, he might commit the highest crime with impunity. Nor do I see this Provision is repugnant to the true spirit of the English Laws, so as to raise any serious objection.

The Charter gives a Latitude to vary in some cases from the Law of England, which Leaves a Liberty to the Legislature to deviate where it shall be necessary or Expedient for the Colony.

And further, whether the Practice of admitting accomplices in England to be witnesses before conviction, does not in reason justify the Propriety of this act; For althô according to common sense the witness confessing his Guilt is equally undeserving of credit before conviction, as he would be after conviction; yet his Evidence is constantly received, because otherwise offenders here could not be brought to Justice. The same necessity therefore in another Country seems to authorize the like practice thô it may be as to form repugnant, as to want the Letter of the English Law, yet it will be substantially agreeable to the Spirit of it.

As to the second. Every innocent man is truly indemnify'd from all prosecutions, and yet if he is charged with a crime, he ought to prove his Innocence; I don't suppose from the Inaccuracy in the Penning this Law, it was to be understood he was not to do so by Tryal; But as doubt may arise whether the Killer is not to be priviledged even from Indictment and Tryal, and yet, how shall it appear, that the Killer was Lawfully authorized to apprehend, or that the slave had offended, or had resisted; but by Evidence at the Tryal, so that a Tryal is necessary to make this Excuse appear, and to bring on the Justification under the act.

I could wish to see this Inaccuracy rectified by Expressions more explicite to obviate every doubt and the Inconveniencies which may result from such Doubt.

As to the third. It certainly invades the private Property of the Lord Proprietary, there being no saving clause for preserving his Quit Rents, and it determines upon a Doubt of Escheat without apprizing his Lordship of his Title even by extinguishing the very Right of Escheat. Therefore I think it reasonable, his Lordship should reject it for the Sake of its Precedent.

I thought proper to give you these Hints of the said acts, being observations I have made, after hearing the several Pro and Con Arguments at a conference held at the Attorney Generals house in Chancery Lane, on the subject of the Laws passed at the said Assembly.

My observations on these Laws, I have in my Letter inserted to M^{r} Tasker, which vary in some parts as to particulars from what I here insert to you; viz^{t} as to the Convict act, as it will take up His Lordship's most Deliberate consideration; as to the two other acts, I have hinted to him, which I do the same to you, that in case another Sessions of Assembly should

happen after the Receipt of his Letter, the said Laws might have supplementary and explanatory acts to preserve them, and remove every objection to them here when his Lordship comes of age to take them into consideration; such explanatory Laws being obtained, will be very agreeable to His Lordship; as at taking upon him the Exercise of his Government, he would be very desirous of avoiding all occasion of Dissent to any of the Laws that shall be then laid before his Lordship, which have been passed in Maryland during in his Minority. Therefore I hope you will Exert your self as to this Service and completion thereof for His Lordship's Ease and satisfaction.

Thus concludes my sentiments on the said several acts which are to undergo the consideration of the Lord Proprietary when he comes of age; as also the act for the continuation of actions and securing the Peace and good Government of the Province, which confirms the acts of May Sessions before.

I acknowledge the Receipt of your several Letters of the 9th & 30th of April, and 6th of May last; wherein you have informed me both of the Lieutenant Governors Illness and Death, and of M^{r} Tasker's taking upon him the Administration of the Government; which the Guardians are satisfied with. M^{r} Sharpe with whom I have more opportunity to converse, is of entire opinion, that by the Demise of the late Lieutenant Governor, had not M^{r} Tasker had the Right by Law, he being first of the Council, his Right in taking upon him the Government, has been exercised as a Rule on such accidents throughout all His Majestys Plantations. M^{r} Tasker being invested with the Government, the Guardians have transmitted to him Copys of the Instructions sent by them to the late Lieutenant Governor, as a Rule for his Administration, until another Lieutenant Governor shall be appointed; leaving

to him such Powers relating to all offices, matters and Things as have been heretofore Exercised by Lieutenant Governors.

I have made known to Mr. Sharpe the contents of your several letters since the Demise of the Lieutenant Governor. He hopes and trusts all things will be well; and that you will exert yourself in the Service of the Lord Proprietor and the Province in all Concerns for the welfare of both; and in giving your advice and Assistance to Mr. Tasker, the most conducive for carrying on his Administration, on my own part I have advised Mr. Tasker to consult you in all things relative to the Publick; and concerning the filling upon of Vacancys in the Council, to take if possible the general opinion of such Council therein, agreeable to your Hint.

There is an Inbarkation of Palatines going to Maryland consigned to Messieurs L. & R. Snowdens & Dr. Wolstenholme, whom I have recommended to Mr. Tasker; as also Mr. Bartholem Myer a German Gentlemen who intends to visit Maryland, and may be the occasion of numbers of Palatines coming over. I therefore communicate the same to you, to be aiding and assisting in all kind offices and civilitys on these occasions.

I hope e'er this you have received mine of the 15th of May last, in which I inform'd you that I would obtain my Lord's Leave when he came of age, for your coming to England; however I shall be glad to understand from you in whose Possession and Care you intend to leave the management of the Secretarys office in, during your absence; as the Knowledge of that is very material to me. And now I shall open to you a Secret, not at present to be divulged publickly, which is, my Refusal of the Government from the Guardians, on account of my state of Health, and a single man, and time of life, as inconsistent with my acceptance thereof: There are

other Persons, whose time in life and capacitys will better sute the holding so important a Trust. whose Lot that will fall on is not yet fixt, such Determination will be Resolved when my lord arrives from abroad, whom I daily Expect. Imagine that immediately after his Lordship's coming of age, a new Lieutenant Governor will take by the first shipping his Passage to the Province (It may happen before) Thô indeed I cannot see how it well can be done sooner, by reason that if a Person was now to set out in such capacity, he must have a new commission after the 6th of February next, the expiration of the Lord Proprietary's majority, which would create repeated Troubles to the Province, by the Calling and recalling of Assemblys &c.

Whatever Resolutions may be taken concerning the progress of all Affairs in the Interim, you may depend of hearing from me relating thereto. As to all Letters you have from time to time wrote to M^{r} Sharpe, I have not seen them, but have acquainted him with your uneasiness in not hearing from his relating thereto; whereupon I expect he will write you by this Conveyance. I am, wishing you all Health and Happiness

Your real Friend and humble Servant

CÆCIL^{s} CALVERT.

Post. Inclosed is a Copy of Messieurs Penns Petition to the King in Council concerning the South Bounds of Pensilvania, which if fairly Run, I think will meet with no obstructions either from the Lord Proprietary or the Inhabitants of Maryland; however as the Maryland Northern Boundarys are not specified in the said Petition, so as to desire Commissioners to act in concert with Commissioners for Pensilvania; and the said petition having been referred to the Lords for Trade and Plantations:

The Lord Proprietarys Guardians have in that office Entered their caveat thereto; as a means to be heard as to what shall be relative to run the said South Boundary of Pensilvania, in regard as it may effect the North Boundary of Maryland; which I inclose to you for your private satisfaction and all those concern'd in the Establishment of the proper Boundarys between the two Provinces; and I hope a Prelude to the Penns being convinced that the late Lord's articles of agreement with them concerning all Boundarys between the said Provinces is void, by reason of the late Lords Marriage Settlement, so as not to bind the present Lord under injudicious an agreement.

See Guard Book for Copy of Messieurs Penns Petition to the King in Council.

SECRETARY CALVERT TO THE REV. THOMAS BACON.

[Original Draft.]

M^r^ Sec^y^ Calvert to the Rev^d^ M^r^ Bacon Rector of S^t^ Peters Parish Talbot County. Contents. Of his Let^rs^ &c^a^; of the Charity Working School; concerning the Clergys Petition to the Bishop of London, & of the State of the Inspection Tobacco Law to the Clergy. Of the Proceed^gs^ of the Parochial Clergy. Of a Charitable Fund in Support of Widows & children of the Clergy. Of the State of the Clergy M^r^ Sec^ys^ Gift to the School.

London Jan^{y} 5th 1754

Sir

I have y^{rs} Dec^{r} 23^{d} the 4th & 24th of Aug^{t} with the Copy of the Proceed^{gs} of the Parochial clergy of Maryland Dated the 22^{d} of Aug^{t} last with y^{r} observations on the Present State of the Clergy. I had not been so long Silent in Acknowled^{g} y^{rs}, but by reason of time, his Lord^{ps} consideration to the Gov^{r} on y^{r} Request "For the Benefit of a Charity Working School to be set up in the Parish of S^{t} Peters in Talbot County." His Lord^{p} Directs to inform you, he has considered the General Plan, with y^{r} Proposals & Rates relative to the School. The Advantages that may Arise from such a Scheme gives him Happiness, the tendency being to Promote Religion & Industry in his Government; and as a peculiar Mark of his Favour with the Means to forward so Pious & Public Benefit, He has sent Instructions to M^{r} Lloyd his Rec^{r} Gen^{l} to pay into the hands of the Treasurer of the School, on order Drawn on him Signed by the Trustees of the School when Elected & of w^{ch} he desires you will advise them of; Viz^{t} The sum of one Hundred Guineas as a ffree Gift, to be laid out as you & the Trustees think fit; and the further sum of Twenty five Pounds p^{r} ann: as a Gift of Lady Baltimore's for the Benefit of the School; to be paid by two half yearly paym^{ts} to commence from the Date of his Instruction & so to continue paid by him the Rec^{r} Gen^{l} & all succeeding to that office, unless His Lord^{p} His Heirs successors & Assigns as Lord Proprietors shall Signify to the contrary. Of y^{r} request of the Boys of the School to be called Baltimore Boys, His Lord^{p} gives consent to stile them so, as Additional Token of his Favour & Approbation. He thanks you for your obliging Dedication & Edifyed Sermon, Preached on the occasion at S^{t} Peters Parish the 23^{d} of Aug^{t} 1752.

Concern^{g} the Tobacco Petition mention'd in y^{rs} the 4th of Aug^{t} sent to the Bishop of London & Sign'd by some of the Clergy, of w^{h} Number you say M^{r} Harris inform'd me you was one. His mention was to this Effect; that he heard you had sign'd it, w^{h} Surprised him, as he understood your sense of the Law was 'its being Beneficial, therefore credit'd not y^{r} Signing. If true, you had been grossly imposed upon. I have had no sight of the Petition, but am inform'd the Reasons Aledged therein in Support of it are inconsistent to the Public & the clergys Property & that the contents Surpris'd the Bishop, the Complaint appearing to him Needless. The State of that Law call'd the Inspection Tobacco Law, by you set forth is of utility and needs no apology for the trouble you are pleased to say you give me, for so true an insight into the very being & Nature of that Law & of whom it doth concern. By the Law an Indulgence is given to those who neither by Servants or Slaves make Tobacco; they may pay the Clergyman in Money at the rate of 12^{s}/6^{d} Maryl^{d} Curr^{y} for every Hundred pounds of Tobacco & so pro-rata due to them. The same paym^{t} to all the Officers in the Province from the Governor to the Constable. If this be an objection it ought to cease, when it is considered that 12^{s}/6^{d} Curr^{y} is equal to 8^{s}/4^{d} Ster^{g}; so that even upon a Supposition that a Clergyman was to receive his whole Dues in Money, they would amount to as much as his Tobacco would have produced prior to the Law of 1747, and more, from the good Quality of Tobacco by the Inspection Law. I presume the above objection as I am informed is the Foundation you mention of the Rev^{d} M^{r} Adams complaint Sign'd with the other Clergy to the Bishop of London. I Learn he Lives in a Parish where very little Tobacco is made & is mostly paid in Curr^{y}, by w^{h} means he says he does not reap the Benefit of the Law

of 1747 in proportion to the rest of his Brethern. I think it can't be said with Propriety he Loses by the Law, as his Parish is intrinsically worth at least as much under the Law of 1747 as it was before. The Inspection Law is enacted for the improvemt. of the Staple of Tobacco. The same Virginia Law has near Doubl'd their Staple of Tobacco. The Maryland Law by the Merchts. here has had all the good effects that can be expected by the quantity being stinted as to Number of Slaves, is by cultivation so improved on Sale that has enabled those who owed Debts to discharge them, & others to live in a Comfortable & improving manner. His Lordp. is pleased with yr. sentiments & Approbation of the Law & rests well-satisfyed of yr. inclination to his Service & the Public's, wh. he Regards one & the same.

Your inclosed Copy of the Proceedings of the Parochial Clergy of the Province his Lordp. has perused. 'Tis with concern he observes that the Meeting & Proceedings was attended with Dispute, as he bears all Benevolence to so Reverend a Body, the Pastors of his Religious Church in the Province. He Applaudes your Propositions—"Your consideration for a charitable Fund to be raised by subscription towards the Support of the Widows & Education of the Children of the Brethren Left Destitute, with the other Matters of yr. colleges as Teachers of christianity. However, as these Matters are of importance & of wh. he would conclude with the Gentn. Clergy of his Province, yet he thinks the latter shoud. subside until he shall have consulted the Bishop of London thereon. The observations inclosed from you, on the present State of the Clergy is amazement! & confirms yr. Reasons for Amendment & his Lordps. care of Presentee's to Benefice. Inclosed you have his Lordps. Letr. Yr. Honesty & real Intelligence for the Wellfare of his Lordps. Affairs is obli-

gatory, infused with known Spirit of human Dealings & Learn'd Abilities, useful & Instructive to me as Provincial Secy in wh Station & in all other, I am with peculiar Esteem

Yr true
Friend & Servt Cæcils Calvert.

Post. I have desir'd Mr Lloyd
to pay £5 a year to yr School on my Acco.t

FREDERICK LORD BALTIMORE TO THE REV. THOMAS BACON.

[Copy].

London Jany the 5th 1754

Sir

Your obliging Letter the 4th of Augt and your Regard to me and my Affairs since my Arrival to the Proprietorship, you have here my peculiar Thanks. And of my Token of your Merit, you will receive from the Lieutenant Governor my Provincial Certificate of Chaplainship with the Scarf. Lady Baltimore sends you her Compliments for your kind Expressions with Regard for her. You will hear further of My Consideration, from My Lieutenant Governor, Mr Calvert Provincial Secy and Mr Lloyd My Recr General.

I remain with Esteem your Friend
F. Baltimore.

To the Revd Thos Bacon Rectr of St Peters in Talbot County, Maryland

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SECRETARY CALVERT TO EDWARD LLOYD.

[Copy.]

Mr Secy Calvert To Edwd Lloyd Esqr Recr Gens & of the Council contents. Of Bills of Exchs Of Pilots to be Licensed. Of the abuse of his Lordps Manors & of rectifying the same. Of Talbot Manor. Of the Rent-Roll Keeper of the East Shore his bad conduct. Of Books of the Rent charge returned & of Rentals to be returned. On Town Lands by Acts of Assembly & Farthing Fractions of the Debt Books & of Rent in Grain. Of Mr Thomas's bad Stewardship & his Lordps Approbation of Mildness to his Tenants. Of Remark on Quit-Rents. Of Protested Bills, & of paymt to a Charity School of Utility to Agriculture. Of the Farmers paymts & of Bills of Exchge Concerng Mr Chas Goldsborough. Of Protested Bills & of Bills of Exchge & of Morton Manor & Reward to Mr Ward for his Discovery of Right to his Lordp & of Exaction of the Farmers of Rent upon those who tender paymt in fforeign Coin or Paper Cury in Lieu of Sterlg Of the Price of Tobacco. Of the Kings Temporary Line. Of the advancemt in Value of his Lordps Manor Lands. Of the Arrerages of Rent due from the East Shore, Mr Tilghman's Ill-conduct therein & of his return of Debt Book for Kent County. Of

County Courts ab^{t} Rangers & of Ordinary Licences. Of M^{r} Ross's conduct. Of Gold & Silver. Of Cash a Legal tender. Of the Parliam^{ts} consideration on the Country of the Ohio &c^{a} Post. Of Protests of Exch^{ge} & of a Let^{r} of Attor^{y} to M^{r} Tasker from the late Lords Ex^{rs} for Recover^{g} of Protested Bills.

London Dec^{r} the 10th 1754

Sir

Arrived y^{rs} the 1st of March & 2^{d} Bills of Exch^{ge} on My Lords Acco^{t} the first acknowledged rec^{d} in My former Let^{r} the Am^{t} £1868 : 17. 1½. Y^{rs} the 9th of May of Pilots you say, "You have prevailed with one Rich^{d} Bryant to take out a Licence," the Example 'tis hoped will induce others to do the same. His Lord^{p} Approves of y^{r} Method to incline them to his Right, the acknowledgem^{t} is a triffle; tis his Right & of consequence to the Safety of Trade ships, therefore material in Pilot^{g} in & out of the Bay of Chesepeak & Principal Rivers of His Province. I have recom^{d} to the Merch^{ts} their giving orders to the Captains of Ships to Employ only Licenced Pilots.

Y^{r} observation, of the Ill-treatment of the Proprietor's Manors & the Tenements is so glaring abuse of former Gov^{rs} & Agents Recev^{r} Gen^{ls} as seems to cancel obligation for them; their Suffering the Manors & Reserved Lands Let under no conditions of Restriction upon the Tenants, the Lands have been impoverish'd & Pillaged of the Timber, that occasions them Un-Tenanted. It is a great satisfaction the hear^{g} His Excell^{y} & you give attention con^{g} & that you will set them shortly in a clear view before the Proprietor, & by the Gov^{rs} hint have Entered on a Resolution to advance His Lord^{ps} Manor Lands in Baltimore & Frederick Counties, from 10^{s} to

20^{s} p^{r} Hundred Acres. What you relate of Talbot Manor, I am informed that the Pretended Heirs of Col: Talbot have offered Sale to the Penns, whom 'tis said were willing to purchase on a clear Title. Here are Inst^{ns} of the late Lord Proprietor of his Orders for seisure of the Estate w^{h} I understand has been Accordingly, and the Authentick Copy of Inditement of Treason ag^{t} M^{r} Talbot transmitted you by me, will no doubt confirm the seisure to this Lord Proprietor; therefore you must follow his Inst^{ns} regarding not the Surmises of People nor to give way to his Lord^{ps} Adversaries the Penns Purchase, w^{h} wo^{d} be of Injury to His Lord^{p} & the Province as its situation is at the head of the Bay of Chesopeak & on the confines of Pensilvania. The Rent Roll-Keeper of the East shore I had an opinion of, w^{h} by his now known Ill-Actions he forfeits. His Bad Conduct bears date from M^{r} Bennets Agency & so thro' all other Agents time & might have continued had not the Alteration Happened of y^{r} taking the Agency. You will I make no Doubt in Justice to the Proprietor Exert yourself Accord^{g} to his Inst^{ns} The Seven Books contain^{g} the Rent charge of Seven Counties on the West Shore, his Lord^{p} has ordered them back for y^{r} Examination, they do not Specifye the Manor Lands & Quit-Rents seperate accord^{g} to the Plan I sent, nor attested or Signed by M^{r} Tasker the late Rec^{r} Gen^{l} M^{r} Ross is the supposed compiler of them; M^{r} Tasker sho^{d} have passed them under his sanction, they are therefore returned to you that they may be in a more Explanatory Manner set forth agreeable to the Plan I sent. the Alphabet attending the Books is of utility. The Observations you incert on Rentals by George Stuart a Judge of the Land Office, with regard to the Debt Books it must be so, they must be Separate Books by reason of the Multiplicity of Land Holders from Devided

Moities since the first Patentees Recorded in the Land Office. However the Debt Books as to Quantities of Land must coincide in Quantity of Land & Quit-Rent agreeable to the original Patentees. This the Judges of the Land Office must make proof of, on passing the Debt Books. Such returns of so Essential part of Property to the Proprietor will Satisfye his Mind, givg real Light to the Chaos cong yr giving Satisfaction therein, will greatly oblige his Lordp with Quick Return.

Of Town Lands by Act of Assembly, wh Mr Tilghman observes is a 1d Curry an Acre. When I write I thought it was Sterg It ought to be so, the fraction by Curry is not worth the payers Cavil; this Leads me to the fraction Farthings contained in the Debt Books returned, wh I observe Arbitarily Given to some & not to others. As to Rent in Grain hoped not many such Tenders; the having Store Houses wod be very Expensive therefore hoped such Tenants will comply as usual in paymt of their Rents Sterlg Money. If other, you must as you say "fall on some Stept that may best co-incide with His Lordps Interest." Mr Phil: Thomas by you has not Discharged himself as he shod of the Stewardship of Ann Arundell Manor; however My Lord approves of your Mildness in regard to the Tenants, giving reasonable time for paymt with yr care to secure their Discharge to him. You observe on an Article in mine the 15th of May 1752 to Mr Tasker, on Remark cong the difference of Quit Rent payable on the same Spot as for Instance you say, "Mr Hen: Darnall is charged for 300 Acres only at 2s.. 6d Rent wh ought to have been at 4s pr 100 Acres" it proves he had a favour done him by Them who had no right to give it; Care must be had agt such unjust Acts. By yrs the 15th of May, you have mine the 5th of Jany with the 13 Protested Bills & that you have put them for Renewal. I am obliged to you for

complying with paym^{t} as to what I desired in respect to the Charity School for w^{h} I shall Satisfye you. I think the School executed as proposed will be of the greatest Utility, it being to Educate youths in Obedience to God; to read & write with Knowledge to work up Manufacture & Agriculture. Of one to promote Learning by w^{h} I presume you mean the Bell-Letters & Sciences. I agree with you, they are no Doubt ornaments truly Useful; flow into a Country from Full produce the gain of Riches, But the first Principle of an Infant State I conceive is to make the People useful & Beneficial to one another; this at present is the State of Maryland. M^{r} Pope says "a little Learning is a Dangerous thing, Drink Deep or taste not the Pierian Spring."

His Lord^{p} takes it an Ernest of y^{r} Duty to him in prompting the Farmers to Punctuality of paym^{t}, w^{h} you must enforce when wanted. Tis a Maxim in Holland Keep y^{r} Acco^{ts} even by good payment, its the tye of Friendship. Y^{rs} of the 9th of May inclosed therein y^{r} List & Bills of Exch^{ge} £2470.. 17.. 7¼ And in y^{rs} the 27th D^{o} Bills £563. 1. 4 And also y^{r} Bills £1803.. 15.. 9¾ all w^{h} Bills are carry'd to his Lord^{ps} Acco^{t} Y^{r} recomdation of M^{r} Cha^{s} Goldsborough for the Proprietors favour, His Lord^{p} likes his Gov^{rs} recomd^{n} jointly with others for his consideration to the obtain^{g} his Appointm^{t} to be of the Council of State; its with M^{r} Goldsborough to gain his favour.

On closing this, I have the favour of y^{rs} Aug^{t} the 3^{d} owning the receipt of Mine the 23^{d} of March with the Protested Bills & mine the 17th of April. With y^{rs} rec^{d} are y^{r} Bills of Exch^{ge} £1803.. 15.. 9¾ w^{h} are carry'd to his Lord^{ps} Acco^{t} & rec^{d} y^{r} Packet of Papers of the Tract of Land bet. Elk & Appaquinaman Rivers call'd Morton als. Town Point, spoke of in his Lord^{ps} Inst^{ns} Now inclosed you. He desires you will

Reward Mr Ward consistent with Equity for his Service & Discovery of Morton & Swivel Manors, & recomds that you do to all others who shall render him such Benefit of his Secreted Rights. His Lordp is well pleased with the Method you have taken to prevent exaction by the Recevrs & Farmers of his Rents, in relation of those who tender Foreign Coin or Curry in Lieu of Sterg of wh you say Viz. "Requiring all Persons as well Farmers as Recevrs that were Empowered to Collect the Quit-Rents to Advertise the People by Setting up their Notes in the Most Publick places at what Rate they woud take Foreign Coin (this as you observe) will prevent any abuse of such a Nature the Rates Set corresponding with his Lordps Instns making no difficulty in procuring Bills of Exchge tis a concern to understand Tobacco is at so low a Price as to Effect procurem^{t} of good Bills. His Lordp thanks you for yr own Remittance by Bills for cash in yr hands of his, instead of remittance of Out Port Bills. Inclosed is the present Regulation of Exchge ad valorem of foreign cash; 'tis a commodity that fluctuates, therefore I will Supply you often with the Intelligence to Govern yr Receipt of Foreign cash. His Lordp rest Satisfyed of yr conduct & doubts not yr Perfectg as to his Instns But when it happens you can Dispence things in a better Manner or Method than from here is directed, he rely's you'l not Neglect to Reveal yr valuable thoughts by Intelligence thereon; 'tis the Life of business & the cause of completion of Affairs. Yr possitive Instns To the Surveyors of Land to be careful of His Majesty's Order in Council cong the Temporary Line not to transgress, His Lordp well approves of & recomds attention to you & all his Officers & Justices of the Peace to preserve his Rights

near that Limit, from Encroachm^{t} of the Pensilvanians. Y^{r} Inclosed proceed^{gs} of the Council dated the 19th of Dec^{r} last con^{g} the same, he has Instructed the Gov^{r} thereon as well as to other Matters set forth in the Proceed^{gs} of that Council, & to w^{h} I refer you on Indian Lands. Y^{r} Inttelligence of advancem^{t} of his Lord^{ps} Manor Rents is very Satisfactory to him & Doubts not y^{r} Justice to Him. Y^{r} Assiduity to gain him Talbot Manor will render His Lord^{p} much Benefit. The difficulty of receipt of the Arrears of Rent due from the East Shore is a Debt of Long standing from the Farmers & Rec^{rs}; they are used to the Money, unwill^{g} to part with it; tis the Neglect of the last Agent not obliging them to Acco^{t}. M^{r} Tilghman Roll-Keeper & a Rec^{r} on that Shore seems of consience, owns his guilt, but his plea of excuse for his wrong done, is a thought of Frenzy. He owns his Neglect & Denys not having My Lords Money in hand, says his Remissness & injustness has happened from his Building a House, w^{h} has taken a Long time to complete with a Chancery Suit that has required his Attendance, What a plea! 'tis a Glim^{g} Satisfaction you mention, that he is more Assiduous than usual in make^{g} out the Rental of that Shore. His Rental of Kent County I return, the same reason as before. The County Courts that have recom^{ded} Rangers His Lord^{p} is well pleased agreeable to his Inst^{ns} Of Ordinary Licences the Gov^{r} has Inst^{ns} to w^{h} you are referrd. M^{r} Ross's conduct in Business for M^{r} Tasker I can't com̄en^{d} I know him & think he wants not Abilities, he was Breed here in Office, had he been the Principal I think he wo^{d} have been perfect. The value of Gold & Silver now, I inclose you that you may Govern yourself ac̄ord^{gly} The Attor^{y} Gen^{ls} Opinion is Right of Cash being a Legal tender in Lieu of Bill of Exch^{ge}

The Parliam^{t} is setting & have taken under consideration the Affair of the Ohio Country, cou^{s} the Encrochm^{ts} of the French. The Comons have voted 40350£ for defraying the Charge of Two Regim^{ts} of Foot to be raised in America for 1755—236420£ for defraying the Charge of the Forces in the Plantations for 1755. These Regim^{ts} with Two from Ireland joined with the Provincial Forces, has Probability for Success ag^{t} France. Tis certain she is in America no ways Equal in Power to the British Colonies & her Efforts there, may prove Providential, it may frustrate her Attempts for the future ag^{t} His Majesty's British Colonies. The Specie from hence sent & Expended there & the Expence by paym^{t} of Bills on England will be a means to Supply you with good Bills of Exch^{ge} for the Proprietors return, in Lieu of Money Sterl^{g} I have y^{rs} by M^{r} Holliday; his own Merit gives him Estimation with addition as a Relation of y^{rs} Also, I've y^{rs} with y^{r} List & Bills Am^{s} to £718.. 13.. 2

My Lord thanks you for the Hams, also myself for the same favour Rec^{d} I think them Equal to Westphalia Hams. It is with concern I receive y^{r} Acco^{t} of the disorder in y^{r} Eyes. The recovery I sincerly wish, And am with all Respect.

Y^{r} much Obliged H^{ble} Serv^{t}

Cæcil^{s} Calvert

Pos^{t} follows a List of Protested Bills with the Bills Inclosed you on Lord Baltimores Acco^{t} Viz.

	£.	s.	d.
S. Budds Bill on Daniel Cheston of Bristoll	17..	10..	0
W^{m} Dallam on John Hanbury & com^{y}	50..	0..	0
Henry Wright Crabb on Silvanus Grove	20..	2..	0

SECRETARY CALVERT TO BENJAMIN TASKER.

London Nov^{r} 27th 1756

Sir

I have y^{rs} the 5th of May & 30th of Aug^{t} My Lord acquiesses to y^{r} request in favour of M^{r} Daniel Dulany succeeding on y^{r} Resignation of the Commissarys Office of w^{h} the Gov^{r} will inform you he having Notified it in his present Instructions to him. Inclos^{d} is a Letter from M^{r} John Hyde to M^{r} Hemersley Sollicitor at Law for my Lord. The contents of the Letter contains his Answer to yours of the 3^{d} of May. You write to me concerning his Demand on my Lord & Requisitions from you ab^{t} his Brother Sam^{l} Hyde Deceassed, his Effects & real Estate in Maryland, in the Disposal of w^{h} you was a Trusty under the Appointm^{t} of the late Lord Baltimore for paym^{t} to his Lordsh^{p} a Debt due to him from the Late Sam^{l} Hyde, as by his Deed to the late Lord more fully may appear. What My Lord Desiers of you in Answer to the Inclosed is, that you'l consider & give full answer to the Contents in clearness & Satisfaction to prevent a Law suit M^{r} John Hyde threatens ag^{t} him for Over-plus Demands of Money after paym^{t} to the late Lord his Debt of 6893. 13s. 8d the only sum paid to him, as to the present. His Lord^{p} thinks all Demands on him Extraordinary, if any Over plus, tis not with him. I much thank you for y^{r} paym^{ts} to me up to Christmas & shall on all Occasions with Real Sincerity Manifest myself Obligatory to you

Y^{r} Obliged Humble Serv^{t}

Copy original sent CÆCIL^{s} CALVERT

To The Hon^{ble} Benjamin Tasker Esq^{r} Presid^{t} of the Council in Maryland.

JOHN HYDE TO HUGH HAMERSLEY

Charterhouse Square 14th Sepr 1758

Sir:

Being obliged to go into the Country soon after I had the favor of yours I could not before now have the opportunity to thank you for those Copies of accounts from Mr Tasker which you sent by Lord Baltimore directions. Upon looking them over I note it is not expressed at what parler times, & in what sums of money or Bills of Exchange, or other Effects, the payments were made for which Mr Tasker credits the accounts intitled Mr Samuel Hyde to the Rt Honble the Lord Baltimore as ℔ Assignment all which pārlars the Accounts ought to manifest, & I must desire to be informed; also there are severall differences between the sums for which said Account hath Credit & the sums due from the severall debtors by their Accounts

By the papers it Appears that

Mr Dulany's Debt by the Schedule was	£568.. 11.. 4	
	651.. 12.. 4	
Richard Harrisons £365.. 17.. 11		83.. 1
by Subsequent Account	215.. 15.. 2	
Lord Baltimore has Cr only for	139.. 4.. 3	
		76.. 10.. 11
Samuel Harrison £117.. 6.. 10		
by Subseqt Account	105.. 7.. 8	
Cr given for only	86.. 4.. 7	
		19.. 3.. 1

Philip Loe	62.. 19.. 9	
Cr. given for only	52.. 19.. 9	10..—
Philip Thos. Exr. Saml. Chew	1502.. 6.. 2	
Cr. given for only	1229.. 2.. 5	
		273.. 3.. 9
Wm. Hammond £67.. 3.. 2		
Subseqt. Account	64.. 15.. 10	
Credit given for only	34.. 4.. 6	
		30.. 11.. 4

What is the reason for each of those several Differences, or was any Allowance made to or Composition with the above several ℔sons; if so specify to whom Why & how much to each; or are those several Differences still unreced & due from the sevl. Debtors or their respivē Estates & why have they not been reced: by whom & which & when & the sevl. Amounts of each Credit is to be given for the whole sum recovered or which can be recovered of each Debtor?

The Account doth not mention Henry Darnall of Potomack £70.. 4.. 10 Mordt. Hammond £1262.. 11.. 9 Henry Watson £739.. 6.. 11 Extors of Wm. & John Digges £403.. 6..—

As to each of those four it is asked, Was nothing Recovered in Whole or in part? If not, why what measures ware taken to Recover it or security for it & when? Is he now alive & where? If Dead when did he Die? who are his Reprēves & where Living? are the sevl. sums above mentd. now unpd. & remaining due from each or his Est. respively?

Was not cartain plantns. or Tracts of Land in Maryland with the Building Improvments thereon togēr with sundry negroes Cattle & Utensils delivered to some ℔son or ℔sons

in pursuance of order or Directions from the Rt Honble Chas late Lord Baltimore? When were sd Effects delivered & to whom? And what was sd Orders or Directions & to whom? Was not those Effects Apprais^d upon Oath by certain ℔sons who Ware desired & appointed to make such Appraisemt? who ware those ℔sons by whom desired or Appointed? Was not such Appraisemt made or certified abt the begining of the year 1747 & did not the sd Appraisemt under Oath Amount to £5500 & upwards?

My request is farther that Mr Tasker be Acquainted that Ld Baltimore is pleased he has sent the Accots so far; but the whole of the Debts was committed to his care, & Ld Baltimore expected & expects that he will take care of the whole of them. Also that his Lordship requires full & explicit Answers without delay as to what is done; also that what is left undone shall be proceeded upon with Assidity & exactness to recover all.

I ask nothing in this as a favor but wt I think you will allow I may Claim as a Right. I do not mean as my Right agt Mr Tasker, but agt his Lordship who as Repive of his Father is responsible for the Managemt of the Effects Assigned & they have been so long under the Managemt of the Agents of either his Lordships or the late Ld his Father that I have no doubt Lord Baltimore will insist peremptorily upon the Answers desired to wt is done and also upon Mr Taskers candid & thorough Care of what is left undone.

For as Mr Tasker had the Misfortune to be one of my Brothers Creditors & is one of the few who were Creditors each for a large sum so his resentmt has been too strong to let him Compassionate & Give some Aid to mitigate the Sufferings of the Unfortunate & tho I am Confident it wod be to his own benefit yet without Lord Baltimore or Mr Calvert

press this matter to him I have little hope of his resentm^{ts} subsiding so as to take the part which his Humanity wo^{d} dictate if he calmly & impartially considered the Justice due to all my Brothers Cred^{rs} I am heartily sorry for the Loss & have used my endeavours to redress it; and to show that my Inclination hath been to give M^{r} Tasker satisf^{n} in parler I will readily submit to any Gent^{n} (who will take the trouble of reading) all my Letters to him & to his son & If I am to blame make all this just amends in my power. I thought they pointed out means by w^{ch} he wo^{d} probably be made easy, & so I hoped wo^{d} most of the other Cred^{rs} perhaps all of them. If the best Advice to be had in England of Law & Equity are right I am sure the Gent^{n} of Maryland are wrong & will bring on themselves Inconveniencies they are not aware of. They must do Justice to the Inhītants of Great Britain, must obey the rules of its Laws & depend upon it for protection or they are undone—

I flatter myself that from the whole of my behaviour thro Life to Mankind in general & in my Brothers affairs in parlar I have not Given cause to reproach my endeavors which have been & are to do Justly by all men & my desire was & is to Conciliate & do good offices where in my power. I wish that after my decease my Children may be found to have the said tender regard to the Memory of an Uncle that I have had to the memory of a Brother. I have been & still continue willing to recede from very considerable part of my Rights but if my Applications to his Lordship & others to Settle things are not brought to Issue during my Life I declare myself not Chargeable for the Consequences.

Allow me to repeat in few words that every assistance given by M^{r} Tasker in this affair will be an Ease to his L^{d}ship to whom alone I have right to recur to know what

has been done with my Brothers Effects since the Assigment to his Father; but as his L^d^ship is answerable to me so are his Agents to him & as his L^d^ship has so candidly Communicated the Information he has already receed I have taken the Liberty to suggest such Observations as compleat as may be to prevent further trouble to us both. I am

S^r^

Your m^t^ hble Serv^t^

Copy JN^o^ HYDE

To Hugh Hemersly Attor^y^ at Law.

SECRETARY CALVERT TO DANIEL DULANY.

M^r^ Sec^y^ Calvert contents To the Hon^ble^ Daniel Dulany Esq^r^ of the Council & Comiss^y^ Gen^l^ Of the Naturalization Bill of Foreign Aliens. Of Hunter's Parish S^t^ Peters in Frederick County. Of improvem^ts^ by Trade & of Ports an Inspection Law. Of a Bill relative to Alienation fines payable to the Lord Proprietor. Of his Applause of the L^t^ Gov^r^ &c^a^

London Sep^r^ the 20^th^ 1759.

Sir

I have the favour of y^r^ duplicate of Let^r^ dated the 26^th^ of Dec^r^ last. Y^r^ first thereof I have not rec^d^ nor y^r^ duplicate till the 14^th^ of this instant, delivered from the Mess^rs^ Hanbury, who inform me it was left at their House. It wo^d^ have given much pleasure to have earlier communicated his Lord^ps^ Answer to y^r^ valuable & just sentiments on Behalf of fforeign

Aliens Settlers in Maryland. His Lord^{p} has considered the contents of y^{rs} thereon & thanks you for y^{r} consideration to him thereof, & directs me to acquaint you, that no Exception is with him on a Bill being passed for the security of Purchasers & others claiming by or from Protestant Aliens Viz. . . . That all Lands Tenements & Hereditaments which have been at any time patented to any Alien or being patented to any Natural Born Subject have been purchased by an Alien, & that all Deeds Conveyances, & Devises thereof shall be deemed & taken to have passed descended & enured to all Intents & purposes as they would have done if such Patent had issued to such Settler or Vendor prior to such Settlement or Purchase by such Alien & as if such Alien & the Persons claiming by from or under him were Natural Born Subjects of the Province . . . And if Aliens through inaquaintance of the Law of the Province have taken Conveyances of Lands not patented or have settled Built & improved upon Lands, he has no Exception. That it shall & may be Lawful for all such Aliens & for all others now claiming by from or under them to apply at any time with^{n} years (the consideration of the Limited Term of years he Leaves to a reasonable determination of the Legislature of Assembly) from the commencement of Sessions of Assembly, to the Land Office by Petition setting forth the Time state of their claim submitting to the Examination of the Judge of Land Office the Evidences, Papers & Proofs relating therein contained, to demand a Warrant (wherein the several Alligations in the Petition shall be recited) to the Surveyor of the County where such Lands lie to Lay out such quantity to be therein Expressed & upon return of a Certificate thereof the Rights being complied with as for a Common Warrant (reciting likewise the several Alligations in the Petition) shall issue Accordingly &

that when such Patent shall issue the Lands Tenements & Hereditaments intended to be Granted & all Deeds conveyances & Devises thereof made, shall be deemed to have passed descended & enured to all intents as they would have done if such Patent had issued to such seller or Vendor prior to such Settlement or Purchase by such Alien & as if such Alien & the several Persons claiming by from or under him were Natural born Subjects of the Province.

Provided always that Nothing herein before contained shall be deemed construed or taken to defeat or destroy any Estate or Title from the Lord Proprietary or to any other Person who has already taken advantage of any Defects af^{d} But that such Estate & Title shall remain & be in the same Plight & condition it would have been had this Act never been made, any thing herein before contained to the contrary thereof in any wise Notwithstanding.

And as an Encouragement to Foreigners to settle in the Province &c^{a} That all Aliens now actually inhabiting & residing or who shall hereafter inhabit & reside within the Province & shall take Subscribe the Oaths made in the first year of the Reign of his late Majesty King George the first an Act for the further Security of His Majesty's Person & Government or who are Quakers or others consientiously refusing to take an Oath shall make & subscribe the Declaration of Fidelity & take & affirm the Effect of the Abjuration Oath by an Act of Parliament made in the Eight year of his late Majesty an Act for granting the People called Quakers such Form of Affirmation or Declaration, & also make & Subscribe Profession of his Christian Belief prescribed by an Act in the first year of King William & Queen Mary An Act for Exempting their Majesty's Protestant Subjects from the Penalties of certain Laws, before the Provincial Court

of the Province, shall be deemed adjudged & taken to be the Kings Natural Born Subject of the Province to all Intents as if they were Actually born there; of all which Proceedings with the Names so Naturalized the said Court shall cause a fair Entry to be made amongst their Records. On this Basis & Tenor of an Act his Lord^{p} is coincident with you an Act should be passed Naturalizing all foreign Aliens; And he Apprehends such an Alien Bill will make the passing any other Aliens Law hereafter unnecessary. A Bill so framed, he considers will be a Legal constitutional Bill. That 'tis Necessary that all German Aliens & others should & ought to take the Oaths to the Goverment, Especially in the present situation of Affairs, it is highly proper they should take; and if an Act was to pass for Naturaliz^{g} all of them that have died in the Province without requiring or directing those of them that are now living in the Province to qualify themselves for holding Lands &c^{a} by taking the Oaths, scarcely none of them he doubts would be prevailed on to do so, but they would rely that if ever disputes should arise hereafter about their Titles another Aliens Bill would be immediately passed, which might be then productive of some confusion, Especially if it should happen that the Judges of the Land Office should have granted Escheat Warrants for any Tracts which such Aliens might have died Possessed of; this future Evil he thinks will be provided against by the Tenor of the above Bill.

Concern^{g} y^{r} Proposition for Hunters Parish in Frederick County, you say "if a Division of it should take place at the Kittocton Mountain the Frontier Parish wou^{d} hardly yeild a compotent Support to the incumbent; if the Parish were not to be divided might not the Parson to be inducted be induced to keep an Assistant & not demand the 30^{lb} p^{r} Poll of

the New Settlers for a Term of years? This wo^d Prove a very great Encouragement" His Lord^p accepts the Intention of y^r Proposition, in Policy very useful at the commencement of industry bring Desert Land under cultivation, the source of Riches & inhabitants. He desires you'l commune with the Gov^r thereupon that such step may be taken the most conducive of y^r Beneficial Proposition. The only objection is the Benefice is vacant; if Lord Baltimore nor his Governor does not induct, the Bishop of London will. The 30^lb or 40^lb p^r Poll of Tobacco is the clergys by Act of Assembly. Clergy here have Bonded conditionaly on acceptance of Benefice, which has been renounced on Tryal by the Law. . . . He thanks you for the improvement to him by your discourse, "upon increase of raising Grain, Provisions & Flax seeds as Pensilvania & on Traffick improvements," & joins in y^r opinion advantages may flow if there were proper Regulations & Ports where all commodities should be collected & Exported under an inspection Law." This he has no Exception, but to steer clear of Effecting the Laws of Trade & Plantation & the Laws of custom & Statute Law made throughout the Realm. Of y^r Proposition & sentiments con^r Alienation fines you recite, . . "I think Lord Baltimore's Revenue from Alienation Fines might be put upon a better Footing & considerably increased. This Article will hereafter, from the circulation & transmutation of real Property, Produce a Large Sum. The clause in the Patents "that all conveyances upon which this fine is not paid shall be void, is really unprovided of a Remedy to compell an observance of it. The Clerks of the Office take care that the fines are Paid on Deeds of Bargains & Sale, by requiring the Receivers Receipt to be Produced before they inroll them, but there is no necessity to inroll other conveyances. If it were made

necessary to record other Deeds in a Limited time, the same method might be taken to secure the fines upon them." . . Such an Act from circulation & transmutation of real Property would produce him a Large Annual Sum. A Bill for that purpose Enacted with Remedy to compell an observance of it, his Lord^{p} says, will Bind him really Obligatory to you.—The contents of y^{r} Let^{r} are of matters of the greatest consequence of Advantage to him & the Province; he accepts y^{r} advice therein as from an upright Councilor & friend to him, & desires you'l impart thereupon to his Governor, & that you'l rest assured no Encouragement shall be wanting from him for such y^{r} Propositions, real Essential Points. He thanks you for y^{r} Applause of his Gov^{r} & y^{r} Service to him & his Goverment.

I much thank you for your Let^{r} that has enabled me to convey Beneficial Measures to his Lord^{p} & I pray leave to assure you of my sincerity & of all service & friendship to you. I wish you Joy & have a sensible Satisfaction & pleasure of y^{r} Promotions, of the Council & Commissary General. I have had real Assurance of friendship both from y^{r} Father & you & don't doubt the same, of Subscribing with all Esteem,

Y^{r} Obliged Hum^{ble} Serv^{t}
Cæcil^{s} Calvert

BENJAMIN TASKER TO SECRETARY CALVERT.

[Talbot Manor.]

Annapolis 12 Septem^{r} 1760

Sir

Agreeable to his Lord Ships request in relation to the Inquest taken by Cap^{t} Vanburkloo late Sher. of Cecil County I have got the best proofs to the Signing of it that I can at this distance of time as neither the Sher. or any of the Jurors are now living; but their hand writing is sufficiently proved. It is Recorded wth the several proofs in the Secretarys office the Record of w^{ch} will be Sufficient in case an Ejectment should be brought here, the original w^{ch} is here Inclosed as it seems of great consequence. I have ingaged Cap^{t} Chew in M^{r} Hanburys imploy & who has the care of this Packet to put it on Board the Man of War who is to Convoy the Fleet as it is too hazardous to send Letters of consequence otherways.

I am told there are Powers now in the hands of persons in Pensilvania from people who set up a Right to this Manor and have given Instructions accordingly but I believe they will find it difficult to prove themselves Heirs to Col^{o} Talbot.

I shal be extremely pleased to hear that this gets safe to your hands & on all occasions be glad to render his Lordship any acceptable Services as being his & Sir

Your Most obedient
& very faithful hble Serv^{t}
Benj: Tasker

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Personal Matters].

London Sept^r 28^th 1762.

My Dear Lord,

You give me Joy of your safe arrival at Vienna by y^rs the 10^th rec^d the 26^th inst, gives me much satisfaction as free from apprehensions of Harm by Banditti to you, attendant especially in perilous time of War. Y^r intelligence of the agreeable amusemts at the Imperial City is pleasurable but short Lived by Bite from Vermine at Night, destructive of the Balm of Life & in a Hammock to rest is suspension like Mahomet. The 22^d the Installation at Windsor was remarkably Splendid than usual viz. that of Enthroni^g His Majesty as Sovereign of the Order. His Cap was set with Jewels of prodidgious value & his Robes Looped up with Diamonds; the Queen covered with Jewels, & the Brillants of the Court & those of the Nobles &c^a were very resplendent at the Banquet in S^t George's Hall. The Guns at the Castle were fired, great Illuminations & all other demonstrations of Joy, the Splendor Supereminent! Prince William Henry, & the Earl of Bute were invested with the Noble Order of the Garter. With regard to Peace, not any matter as yet has transpired of Authenticity. John the Cloathier, makes great Clamour ab^t his Newfoundland Fishery, he keeps no fast nor is he willing any others shall unless they Buy fish from him. He is for having no partner in that fishery; & as he has engrossed most of the Sugar, he is for keeping all alike of the Gum & slave Trades &^c much abuse has arose. Our parliam^t meets

the 11th of Novr the Rectity of our K— in all things has no doubt. The Land holder & Stock holder Religion & humanity crys aloud for Peace; None but Usurers, Money Jobbers & base-minded Person Decries agt truth & all that is just, vent Base Rancour. It wod give me pleasure could I mention of yr Provincial Affairs; unabled therein from no Ship nor Intelligence from thence being Arrived; daily expected Tis a surprise! the delay of Intelligence from America. The Havana Affair no Acct How Determined. The 30th of Augt I wrote you at Large upon all yr Affairs here. My Letr was accompany'd with the State of yr House at Southampton Row, Sign'd by yr Appraiser, who has since certifyed Mr Thos Bush's Bill amts to £972. 11. 8½ Carpenters Work; he earnestly requested money; I gave him a draught on yr Merchr £500 paymt in pt, & with my Letr was also the state of yr Acct with yr Merchr & a representation from some Jews in Custody at Cleves paying releasemt (since I have inclosed you another sent me by the Ld Mayor of London) I also inclosed several Letrs under cover to you, at Monsr Van Casteel à Brussel by you then directed; since Now under other directions to you. I hope punctuality by directions in voidance of Miscarage. I Believe Miss Caroline still at Margate. Pomfret Ld of the Bedchamber the E. of Litchfield Chanlor of the Unity of Oxford Privy Concilor & Capn of the Band of Pensioners. the D. of York at Portshmouth. With all reality

Yr Afft Uncle

Cæcils Calvert

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Public and Private Affairs].

London Oct^{r} 15th 1762

My D^{r} Lord/

Since I wrote to you Aug^{t} the 30th I have write twice, But on rec^{t} of y^{rs} the 19th of Sept^{r} of y^{r} intention for Venise, I question the arrival of mine to you at Vienna 'er y^{r} departure. You give me Happiness by y^{r} alteration of mind from Constantinople to Venise. By the first, avoiding the Plagues, Pestilential Fevers, & where no Arts &^{ca} rest, at the other, health & all that is delight & amiable & near the Classick ground the Birth of almost all Liberal Sciences, soft climate & where all Harmony Subsists. My fear now is y^{r} return will not be so soon as I wish. Y^{r} thanks to me gives me much satisfaction, you may depend of my doing unto you as I wo^{d} do unto my Self in all things.

Reference to what you write ab^{t} Mess^{rs} Hanbury con^{g} the State of y^{r} Acco^{ts} with them. I read that part of y^{rs} to them, they said they had y^{r} Let^{r} thereon & wo^{d} impart to you, also on exch^{ge} & on money credit. On view of y^{r} Acco^{t} with them sign'd by you from Mons^{r} Van Casteel, I mark'd comisson was only one p^{r} C^{t} charged. What I have drawn on Mess^{rs} Hanbury Viz: To M^{r}

Fritz - - -	£	52.	10^{s}. 0^{d}	2 Pictures of y^{r} Lord^{p} Person
		17.	10. 0	pay^{t} Rent Greensheet House
		500.	0. 0	To Bush Carpenter in p^{t}
		82.	7. 9	To Hartley the Smith in full of Dem^{ds}

These as my Letrs sent may not meet you, I pd Mr Bush by his request to me in pt of £972. 11. 8½ Work done & to be done, valued & Estimated by Mr Heron yr Appraiser, & pd Mr Hartly by request of Mr Lyon who sd his want was great, therefore pressed for the Bal: of Acct Sign'd by Mr Heron. Yr Lordp may depend I will regard yr Extract of paymt to all as near as possible & agreeable to yr Letr of Attòry to me. I have recd a Letr from yr Provincial Govr of Maryland. I understand that a Session of Assembly was held the 17th of March last, that 18teen contingt Public Acts he had passed & 9 Acts for Building of Churches & Chapels of Ease, an Act for the Publication of Laws, An Act for Inspectors of Tobacco, a Market House Act & an Act for destroying Crows & Squirrels & to 5 Private Acts. Warm argumt, by the Journal of the Up. House transmitted, has passed betwn them & the Lo: H. abt the Assessmt Bill on the old plan offered by the Lo: H. Nine 9 times passed in the Negative, by the Upr H.; objected as subject to a New unconstitutional Power of oppression without any remedy or not, the Lo. H. for the Affirmative, the Upr H. for the Negative, with strong support from the Latter by real Argumt in defence of you, the People & yr Officers of Govermt & alike argumt agt the Lo: House. Claim of Lex Parlamenti of right only belongg to our British Legislature, the Provincial right being only founded by Royal Charter, 'tis the opinion of Lord Chief Justice Pratt to you when Attory Genl speaking of the Lo. H. claiming a right because exercised by the House of Com. "the Upr H. should take care how they admit encroachments drawn from the exercise of like rights in our H. of Comns here; that the two Assemblys differ fundamentally, the H. of Comns stands upon its own Laws, the Lex parliamenti; the Assemblies in the Colonies are regulated by their respective charters &

the comon Law of England" therefore he says "His Lordp (speaking of you) should resist all such attempts where they are unreasonable with Firmness" and again says the Lords of Trade in their reply on the Pennsa Acts of Assembly, "that its in vain to negotiate away his Majesty's Prerogative, every New concession becomes the Foundation of some New Demand," thereupon it was Judged expedient to recomd alterations in that Supply Bill by the Lords of the Council. The Upr H. in Maryland have desired no more than the constitutional Right by Charter agt a Supply Bill framed on a vicious Plan & say "that they were satisfied yr Lordps Zeal for his Majesty's Service sollicited to promote it wod chearfully contribute yr Proportion, they could not in Conscience consent yr being subjected to unequal Burthen they observed the Majority of the Lo. H. were contriving to lay on you; therefore refusal of their Assent to a Measure wh they thought inequitable ought not asperse their own character or calumnicate the Ld Proprietor" Non obstante the Lo. H. rejected the Upr H. right of Judicature to the Bill, therefore the Upr H.'s Negative passed to the Bill, reserving to themselves their constitutional rights & share to the Legislature in the Province as well as their just regard in right to yr Lordp & Governmt The Lo. H. by Effecting Argumts seem as if they should be pleased to be call'd a H. of Comons; they wod gain nothing by such a measure, as they wod be a distinct Body from the House of Comons of Great Britain. The Assuming the Appellation will not transfer to them that Lex parlamenti of the Comons in G. Britain, their ancient Usages not being Provincial Usages; the Latter founded only by the Royal Charter, their particular Usages & the Comon Law of England. What those rights are, the Charter, Journals & Law Books may inform them, & must operate strongly agt

their Extraordinary Claims & Support the Upr House in being Coequal with that call'd the Lo. House. The proud from the Ancestors that Established them; on whom the Lo. H. are pleased to pass sarcasm on the Proprietor, wh the Upr H. may well retort on that Proprietor for admitting such a Branch as the Lo. H. into the Legislature & charge it an Evil, wh the People of the Province much feel, as indeed they do very much to their Cost, wh had been prevented in an Establishmt of a Lt Governor & Council only. Inclosed is a Letr to yr Lordp from yr Lt Governor. Please to let me have yr directions. Am I to forward all Letrs & Packets directed to you from the Province? The post House charges for each seperate 10d & am told open all; therefore direct me how to Act? The Govr in his Letr to me dated 21st of June mentions no particulars, says "Nothing of Notice having happened," sends you a Pipe of Madiera & Hams wh I will transmit to Woodcote to remain for yr use. The ships departure so early from the Province no Bills; the whole Trade daily expected. The Laws will rest till yr return. Cong yr Horses mention in my last. Mr Lyon informes, from Mr Sparrow at Sutton, that 40 Guineas is bid for the Great Grey Horse, he thinks he can get no more, if he can he will; desires to know if he may part with him at that Price? The little Grey he'll run at Odiham, after, he thinks it will be best to part with him, he will not answr, thinks he's worth 50 Guineas & no more. The Brilliant Colt in training, & in good Condition. Yr Park stocked full with Grass Horses. I design shortly for Woodcote abt the inclosure. Miss Caroline designs a visit there. I know not of Mr Browning or family, but that the Messrs Hanbury continue paying them as usual, not recevg yr order to the contrary. The Estimate sent you & sign'd Heron is yr Appraiser. More of yr House

Southampton Row in my next, the chiefs concern'd at present not to be meet with. Inclos'd is a short Extract of answr of yr Affairs cong the Jews at Cleves, detained prisoners on their felony of jewels committed by them on you in England. The Magistrates of that City & their Superiours in Goverm.t have Notic.d their villany & have done by detention of their Persons all in their power to have justice rendered you by process of Law there, and have transmitted such their proceeding under their Signature to the Lord Mayor of London & have recomended to have the Prisoners transported to England to take their Tryals & undergoe the Punishment due to their Crimes. The Bulk of the proceedings, transmitted to his Lordp who has sent me for translation, is needless to inclose you, therefore have sent you all relative in as much as concern you & have added Questions propounded to you for yr directions congs such vile miscreants & hope yr answr Their Crimes are numerable of long standing some, that of Mr Bonmoetgie was the same Ledgerdemain Trick they played you tis 20 years standing appears by the process at Cleves. I shall wait on the Lord Mayor & in yr name thank him for Civility & regard to you by communication, waiting yr Answr.

Of Public News, we are in possession of the Havana, the Capture is immense Riches & 9 men of War of the Line &cta We have regained NewfoundLand where M. Ternay the French Naval Com.dant with Superiour ships made his Escape in the Night by a shameful flight. M. L: Count Dc Hausonville Com.dr at St John's Fort after much Braggadoccio, our Lt Col: Amherst sent him by Letr that if he did not immediate give him possession of the Fort, in the State it now is, every man in the Garrison shall be put to the Sword, I give you half an Hour to think of it. William Amherst" M. Dc Hausonville Ansr "I am averse as you to

the Effusion of Blood, I consent to surrender the fort in good condition" the Capitulation Granted, the French Troops prisoners of War, to be transported to France. Nothing as yet of certain transpires of Peace.

Y^r^ Affec^t^ Uncle & faithful Serv^t^
CÆCIL^s^ CALVERT

Post thanks y^r^ enquiry my little Boy well, at School & Learns. To Lord Baltimore

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SECRETARY CALVERT TO FREDERICK, LORD BALTIMORE.

[Personal Matters. Robbery.]

Surry, Oct^r^ 28^th^ 1762

My Dear Lord—

I write at Woodcote where I have been some few days on design to put in execution the inclosure Addition to y^r^ Park lying next the downs at the present prevented by the fall of Snow-sleet, w^h^ seems of little continuance. Towards the work I am ruñing the Lines for the inclosure to be composed by deep ditch, Banked at Top'd with Quick-set and a strong Hedge. [I am obliged to you for y^r^ transaction with regard to the inclosure.] * As to Pailes I find none on y^r^ premises to spare. I think it best at first by ground-fence as it is regarded intrusion, it will temper opposition & gain consent. The latter end of April I shall order it to be plough'd and crop'd after with sum̄er corn as recompence for expense; besides its laying fallow rough in May will prevent the

* Interlined in Baltimore's hand.

Racers entering upon it or committing violence to the fence. [y^r^ thoughts as to the manner of doing it are right certainly.] * Y^r^ Park has grazed 75 Troop-Horses upw^ds^ of two months, 45 are wanted off, 30 to remain till Christ^s^, besides other Horses. This is not only profit, but also of Advantage as manure to the Ground. In all things Lyon gives due attention. Miss Caroline is here for a few days with Miss Waker, in passage Robbed by a high-way-man, y^r^ Sister of 8 Guineas, the other of one. [I read a paragraph in one of the English newspapers relating to my sisters robbery. Tis well no accident happened to her from the fright w^ch^ is generally the worst.] * The Assailant withdrew his Pistol politely, his face covered with black Crape. Frighted, however they returned him thanks for civility. Comp^ts^ have passed bet. them & Mrs. Browning; that at present is all with^t^ seeing. Yesterday's Post favoured me with y^rs^ Vienna Oct^r^ the 10^th^, & y^r^ desire being pressing with concernment towards y^r^ Health, I have by this Post inclosed this Let^r^ to my Apoth^ry^ in London, a Person of real credit with directions to him to inclose this Let^r^ with a Dozen of Doctor James Powders for fever & to Care he gets them Genuine of the right sort & place them in Let^r^ well sealed to you. [I have received them and thank you for.] * I have the pleasure to advise of by Let^r^ dated the 25^th^ of July from Mr. Lloyd y^r^ Provincial Receiv^r^ Gen^l^ of his transmission on Board the Gosport man of war Cap^t^ Jarvis £8000 sterling for y^r^ Acco^t^ & use. I have accordingly advised the Mess^rs^ Hanbury thereof & as I learn the man of war is but of slight force and as France & Spain have strong Naval force in remote parts of the Western Ocean & the premium of insurance being moderate here, I have advised them for insurance, not thinking prudent to risque Total Loss

* Interlined in Baltimore's hand.

on such a Capital Sum of money. [You did right to insure it.] * I have wrote you twice since Aug^{t} Y^{rs} acknowledging mine then rec^{d} by y^{rs} Vienna Sept^{r} 19th; mine were to Vienna of this Instant, also mine in answ^{r} to y^{rs} the 19th of Sept^{r} I directed to you at Venise the 15th Ins^{t}; y^{r} departure by y^{rs} the 10th, mine to Vienna will not then be rec^{d} by you. However, as I apprehend y^{r} orders are for Let^{rs} to follow you, I trust repetition needless, especially as my Let^{rs} already write are in many Circumstances repet^{n}

Y^{r} little Grey Horse has run at Odiham is Beat. Mr. Sparrow at Sutton thinks he may get Fifty Guineas or forty for him, & has had forty bid for y^{r} large Grey Horse, thinks they'l not answer keeping as Racers, desires y^{r} Orders if & how he may sell them? [I agreed to the disposal of my horses in my Letter to you from Vienna.] * Y^{r} Horse Brilliant in training. I am not wise enough to understand the present condition of our Public affairs here, here is calm, steps are talk'd towards a Gen^{l} Pacification, but of that nothing of certainty transpires. The Earl of Hallifax Sec^{y} of State, in the room of Geo. Greenville placed at the Head of the Admiralty. Mr. Bennet has this day sent for the Horse you gave him.

Y^{r} aff^{e} Uncle & faithful Serv^{t}
CÆCILIUS CALVERT.

Pos^{t} Miss Caroline's Love attends you,
hopes y^{r} kind Benevolence by a man
of war when you are at Leghorne of some Italian
flowers in relivance of her Loss on the Road.
Pos^{t} No Let^{r} from the Gov^{r}, Maryland Trade daily expected.
Southampton Row House forwarding.

* Interlined in Baltimore's hand.

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Mason and Dixon. Personal matters].

London Aug^{t} 21st 1763

My Dear Lord/

Mine the 10th of July in answer to yours from Zante Island the 2^{d} of May, and by antecedent Let^{rs} I acquainted you, of the Mess^{rs} Mason & Dixon Geometrical Surveyors departure for America. Since, in conjuntion with the Mess^{rs} Penns after many consultations & debates, present Mathematicians & Lawyers, M^{r} Hamersley on y^{r} side; I have on y^{r} part with Mess^{rs} Penns executed Deeds & a Reciprocal Agreem^{t} & we have rec^{d} Hints for the Comiss^{ns} on both sides, by Doctor Bevis & M^{r} Harris the Mathematicians, con^{g} Running the Tangent Line & Paralell of Latitude; these Hints are briefly set forth in my last. Of Deeds two, one of the articles of Agreem^{t} & requesting the Comiss^{rs} on both sides respectively to take to their Aid & Assistance the Mess^{rs} Mason & Dixon & the Survior of them for the completion of the Lines & con^{g} certain Bargain & Limitations respectively to the Mess^{rs} Mason & Dixon (int^{r} als.) 10^{s} 6 p^{r} Diem, until they land at Philadelphia, 20 Guineas each for passage & on their Landing £1.. 1^{s}.. 0 p^{r} day during residence on Acc^{t}; their passage back the same as going, & over & above Support during such part of time they shall be actually employ'd in the work of the Lines under the orders of the Comiss^{y} & to imbark in the space of one month with Power to the Comiss^{rs} to discharge them. And 'tis agreed, y^{r} Lord^{p} & Mess^{rs} Penns to Expences be subject to equal proportion. And the Mess^{rs} Mason &

Dixon bind themselves in the Penal sum of £2000, for their true performance of Covenants on their parts; this is the substance of Deed & Reciporal Agreem^{t} as to main parts. The other Deed, concerns the Mathematical Instrum^{ts}, such as are already provided & the Surveyors bring with them is to their Judgment the choice & use. So are these matters Threaded by the Mathematicians & Lawyers, very tedious, occasioning dispute Labour & Pains with unnecessary Attendance, these Corps of men stricktly observing the Maxim of Fabius *Cunctando.*

In all these measures I have jointly cooperated & with Conformity entered into with the Mess^{rs} Penns, to facilitate the provincial Boundary Lines & agreeable to y^{r} Let^{rs} of & Concerning. And with them advanced & paid on y^{r} Acc^{t} by Draught on Mess^{rs} Hanbury to the Survey^{rs} y^{r} Moity £ 71. 0 p^{r} Agree^{t} on Acc^{t} They are on immediate departure for America: God send a happy Issue. I have Agreed to take Doctor Bevis's Transit Instru^{t}; with his Advice will cost you near £100. Mess^{rs} Penns costs D^{o} upw^{ds} of £ 300.

I have a Let^{r} from y^{r} Governor, dated June the 6th; the purport is, That a late attempt has been to correct the Errors of the Tangent Line Run, but in the process the Survey^{rs} there have committed as much Error West of the 12 Miles Circle off New Castle as they had on the East. That all was Quiet there & in the Province. Says, my last Let^{r} contains too much to answ^{r} But with time having copiously wrote him; he sends his Duty to you. I have wrote him by the Surveyors & inclosed him the present Deeds with the Transit Instrum^{t} &c^{a} & enjoined by Admonission to cease all Expence he can in the procedure of the Lines, with dispatch.

In my Last & former I informed you (int^{r} als.) I had paid the Gov^{rs} Bal: of acc^{t} £261.. 8.. 1 paid to Mess^{rs} Hanbury

for y^{r} use, & of their acc^{t} Bal: to you the 3^{d} of May with the Gov^{rs} sum, due to you £13535.. 9.. 10 & I particularized His Majestys most Gracious acceptance of y^{r} drawing, the Transfiguration of Our Saviour, which he with Thanks rec^{d} & delivered by me. Then things being material I reharse, as accidents of Loss may be to my Letters.

Y^{r} House in Southampton street is almost finish'd agreeable to y^{r} Orders, 'tis habitable for your residence; your own Bed & next Room Bed with serv^{ts} Beds are up, with y^{r} other furniture from Lincoln Inn fields House, sold to M^{r} Proudfoot. As to Woodcote I know not at present, save from Lyon, all's safe & Quiet. I intend shortly there, & to return you his Acc^{ts}. Y^{r} Horse Brilliant, has wone the 4 year old Plates at Chimsford & Barnet ag^{t} good Horses; he's a true Racer & will turn out a Plate Horse & is a Beauty; am I to sell him? Y^{r} Horse Harmony is Bow Knee £25 can't be had for him. I have ordered him to Woodcote till sold. Venison is on Sale. Much Grass by a very wet Sumer; Hay destroyed, 4£ a Load, Grass Horses Scarce, much Cavalry Broke. However Lattermass Grass will prove Beneficial to you from Y^{r} Park, in w^{h} is a plentiful Crop of Oates, some Barley & a good Appearance of Turnips as Lyon informes, who is very Assiduous. I have Ordered him to admit 3 Workmen as Additionals to M^{r} Boughton & wife to laye for their Lodgings, No Expence; this I have judged expedient & have well secured y^{r} House in Southampton Row ag^{t} Robbers. Many such by the discharge of the Navy & Armey.

I have y^{rs} May the 13th from Messina, date after y^{rs} the 2^{d} of May from Zante, occasions hopes y^{r} Vouage to Constantinople is put off, tho I doubt, by y^{r} Bad acc^{t} of Messina at which you Landed not; so take y^{r} Let^{rs} mistaken in Dates. No Syracuse Wine is arrived. A Petition has been presented

to you, deliv^{d} to me by a M^{r} Proby complaining of Extra Judical Judgem^{t} given ag^{t} him by the Magistracy of Pensilvania, with seizure of his Land Property. He claims Maryland Legislative Protection, without producing any Evidence as to Right. Upon My Application to the Mess^{rs} Penns, I learn't his Land Patent was from them, laying in the Disputed parts. On my part I've treated him with Lenity, they Ruffel'd him; he's a turbulent German, has Presented his Memorial to the King; the Penns have had a Message, & try to Civilize him by proffered Service for injury. I have inclosed his Petition to you to y^{r} Gov^{r} to make Report of & Concerning. He got speech of the King; speaks of y^{r} Gov^{r} with commendation & Administration of Goverment

I am out of order not well, May all Happiness attend you,

Y^{r} Lord^{ps} Aff^{t} Uncle & faithfull Serv^{t}

Cæcil^{s} Calvert

Pos^{t} By chance dining with S^{r} Abraham Janssen at Wimbelton we saluted y^{r} Health; he spoke very Aff^{te} of you, hinted a Hanch of Venison, I ordered y^{r} Keeper in y^{r} Name to leave half a Buck. M^{r} Bennet has been at Lewis's some time with a Dulcina (not Del to Bosa) he frequents Woodcote shades. Y^{r} Stone House taken, Doctor Clark £50 p^{r} ann: 30 years. No Builders for y^{r} vacant ground at London. Advertised with^{t} Effect. 50 £ paid to M^{r} Harley the Smith. No other Articifer paid save what has been afore advertised you of. Miss Caroline at M^{rs} Crayley's, Dorcestshire. S^{r} Ric^{d} Lytelton arrived: much adoe ab^{t} Nothing: Squables among the Great. S^{r} W^{m} Stanhope arrived. Direct my Let^{rs} to you at Naples double directions, To M^{r} Jaminaux or Mess^{rs} Lengola. Creditably informed M^{r} Jaminaux struck with a Dead Palsy. Young Prince Born. Indians reported mische-

vious in America. Yr Quarter all's well. Proudfoot is to pay his money purchase & Rent abt £2000 the 24th Instant, delivery to Messrs Hanbury to yr use. Mr Belcheir has sold his premises at Epsom. Physicians advise me riding; you having ordered yr Horses to be sold, I have taken the Bay Mare & yr Little Sorel; use them & shall pay Lyon the value. One Dallinger has been with me; produced a German Letr; read translating false & traversed in discourse, wanted money. I told him his Behaviour I liked not & wdnt Credit him; Says he has been concern'd by yr Orders abt the Jews at Embden; says he'll write to you; claims a peice of patch'd Tapstry, says I, pay 4 Guinees My Lord lent you; replyed he had, no money, produces acct agt you 30 odd £ services done.

To Lord Baltimore at Naples—

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Personal matters].

Westr Jany 10th 1764—London.

My Dear Lord,

In my last Decr 16th or 18th I rehearsed many particulars I had wrote you in four Letrs Via Vienna, in answrs to yrs number five recd from Constantinople, mine directed to you at Monsr Le Baron Frier's at Vienna, yr directions. Not having recd any answr from the 1st of Septr of any rect of mine, I take Mishap has been to mine; tho' hope not all, yet access to you pr Vienna seems hazarduous, perhaps on acct

of the Plague in Turkey; I chuse now my Address to you Via Napoli y^r^ Last directions, by y^rs^ the 25^th^ of Oct^r^ rec^d^ 25^th^ of Dec^r^ last, as of more safe Conveyance to you.

In my last I was explicite on the subject in a Let^r^ from Maryland; casting reflection on the Maryland Goverm^t^ Plan I shall now denounce Brief on the Author; His Allegations are false, absurd, & train'd from inconsistences; he artfully leaves out the Appeal to the King & Council (the controul upon Errors committ'd) & where Rectitude is obtained; But Machieval like, Bent on Mischief Appeals to Parl—t, where he try's to gain by confusion his venture by the Licentioness of the Press. He allows the Goverm^t^ Plan to be similar to other of his Majesty's Colonies; yet appeals to Lex Parliamenti to forereach upon the Crown's Power, by Blind Craft Hoodwinck it, not daring to hurt the Regale Authority unless he can do it thro' y^r^ Lord^ps^ sides, by destruction of y^r^ Royal Charter; whose authority by y^rs^ & y^r^ Ancestors has been at all times excircised with impunity & Consonant to our British Constitution by Law Establish'd. I drew an Answ^r^, Men of sound Judgem^t^ approved, but Cautioned the publish^g^ as you abroad; it wo^d^ subject much altercation and abuse from Licentious Writers of Base Contumely: thereon I opin'd it Best to drop Public Notice.

In that Let^r^ inform'd you of Bills of Exch: value £6252. 16^s^. 10^d^ & of cash £6000 Total^s^ £12252. 16^s^. 10¼ Both now arrived & delivered up by me to the Mess^rs^ Hanbury for & to y^r^ acc^t^ since the delivery of the Bills, a Bill of them drawn by one Semple, on his Coresp^dts^ at Glascow, Scotland, value £1900 is protest'd, I have dispatch'd Back the Bill for re-exchange, it will cost the party 15 p^r^ C^t^ you some time kept out of rec^t^ And I advised you in my Let^r^ & a former, in w^h^ Let^r^ I inclosed M^r^ Lyon's Acc^t^ amt^g^ to some what more

than £800. Bal: to you £ 118. I can't be very exact, the Acct not with me, out of wh Bal: I ordered him to pay Mrs L's Borde Miss Jullicts Board abt £36 reckg her parapharnalia included. Follows an Acct of all Disbursemts paymts on yr Accts By Draughts from me on the Messrs Hanbury. An Acct paymts to the Artificers at yr House the End of Southampton Row, Bloomsburry, London Viz.

			s. d	
1762				
Septr 23d	To Thos Bush, Carpenter - - - - -		£500. 0. 0 pt	
Octr 2d	To Hen. Hartley, Smith - - - - -		82. 7. 9 in full	
Decr 15th	To Wm Selfe, Stone Mason - - - -		130. 0. 0 pt	
1763			612. 7. 9 pt	
Jany 1st	To Thos Clarke, Plaisterer		158. 0. 0 pt	
Do 8th	To Thos Bush, Carpenter.		400. 0. 0 pt	
		£		£
March 3d	To Wm Tyler, Chimney Pieces -	80. 0. 0 pt	Bal. due	60. 0. 0
Do Do	To E. Helling, Glazier - -	100. 0. 0 on acct		
Augt 16th	To Hen: Hartley, Smith - -	51. 1. 0 in full		
Septr 2d	To Thos Clark, Plaisterer - -	342. 0. 0 pt	Bal.	72. 12. 6
Decr 22d	To Mr Leroux, Surveyor.	20. 0. 0		
Do Do	To Edwd Gray, Brick lay.	70. 0. 0 pt	Do	20. 11. 2
Do Do	To E. Helling, Glazier	60. 0. 0 pt	Do	35. 5. 1
Do 23d	To Thos Bush, Carpenter	400. 0. 0 pt	Do	426. 12. 9
Do Do	To Wm Jelfe Mason	300. 0. 0 pt	Do	138. 9. 1
Do Do	To I. Wildsmith, Paviour	100. 0. 0 pt	Do	19. 7. 3
Do Do	To Wm Varley, Plumber.	40. 0. 0 pt	Do	21. 6. 11
1763				
Octr 4th	To Geo. Stuart, Painter	78. 16. 8 in full.		
			Debt due	794. 4. 9
In full and Of Bills paid——		£2812. 5. 5		

Yr Credit to me on the Messrs Hanbury for the afores^{d} purpose £3000 remg Credt £187. 14s 7d for the use of that House, now in sufficient order for yr reception, the particulars

done sent you in a former Let.r Y.r Sister Caroline there until Notice of y.r return—

As to y.r House in Lincoln Inn fields, that has been sold some time and of w.h I advertised in former Let.rs the money £1980. 13.s Sale £2000 Taxes ded.ted £19. 7.s 0 reduced the Sale to £1980. 13.s paid on Day of the Conveyance by M.r Proudfoot, & the sum delivered to the Mess.rs Hanbury by me according to y.r Directions.

Follows Disbursem.ts By me of paym.ts Drawn on the Mess.rs Hanbury By y.r Order & unavoidable Necessary Viz.

	£	s	-
1762			
To W.m Lyon July 13.th be then no money of y.rs paym.t to the Land lady y.r House Queen Street Bloombury	17..	10.	0
To M.r Tietz Portrait Painters March 27.th by y.r Orders.	52..	10.	0
To Jene: Sisson Int. her charges: D.r Bevis Int.t for y.r view before y.r departure. Nov.r the 6.th paym.t	5..	0.	0
To Doctor Griffenberg y.r Orders paym.t Dec.r 1.st	20.	0.	0
To M.rs Hester Harford y.r Orders, Jan.y paym.t the 24.th	120.	0.	0
To Doctor Bevis April 29.th Astronomical advice to Mary.d	21.	0.	0
To D.o Sept.r 15.th for his Azimuth Sexton & Additio.l Advice to D.o	84.	0.	0
To Jere Sisson in full Inst.s & Package of D.o to Ditto	11.	5.	0
To M.r Mason & Dixon the Surveyors arrived to D.o Money Advanced to them prom.t paym.t bet yr. Lord.ps & Mess.rs Penns £142. y.r ½ Moity	71.	0.	0
1764			
To M.rs Harford y.r Orders paym.t Jan.y the 4.th	200.	0.	0
Draughts on paym.t Tot.	£602.	5.	0

I now close all y.r Lord.ps money concerns at present standing, under my managem.t & Cognizance; triffles of paym.t may remain unobserved. In my next I will transmit a short sketch of the Mess.rs Hanbury Acco.t Gen.l Note a Debit Bill y.rs is deliv.d to me from S.t Mathew Blackiston Grocer in the strand, he has closed all Trade y.r Deb.t £84. 16. 10.d his part

for recovery all his concerns to his Lawyer, I expect[d] suite, M[r] Lyon says a Debt left unpaid.

M[rs] Harford returns all thanks for y[r] Beneficence to her & Children, they reside at Mortlake in Surry. Relative to y[rs] the 25[th] of Oct[r] y[r] Racer Brilliant won 2 plates last year & think he merits keeping. As to y[r] Horse Harmony, he's sold, he wo[d] noways answ[r] The most to be got was £25 & that with Difficulty, not worth his keeping, the perchaser offers him for much less. I've advertised y[r] vacant Ground for Builders to take at Southampton Row, none offer. M[r] Butcher rests quiet. Rent commences from S[t] Michael Last. By y[r] Lease you are in part concerned with his Grace of Bedford for repair & making the Road before y[r] premises, a plan is settled, y[r] Moiety £60. A Pipe of Madeira from Maryland is Bottled off & in y[r] Binns there. I've sent y[r] compl[ts] to S[r] Abraham Janssen, hear not of him. When you send that curiosity of flower for him, some to me & of other valuable seeds will be acceptable. You are in the Neighbourhood of Eden, the fall of Our Grand Parents. Doctor Sharpe is become Pontifex Master at the Temple; he visits none but the Great, his Brother seldom to be seen, tho' but Clarks, the Souv—gn in his circle speaks to them. When I see M[r] Dallinger I will deliver to him y[r] orders for reception of his Tenantry. The Globes & Telescopes are sent by a ship Bound to Leghorn from thence to be dispatch'd to you at Consul Hayes at Smyrna, no ship being bound for that Port these three months.

By late Let[rs] y[r] Lieu[t] Gov[r] & the Assembly were out, His Excell[y's] says, he could not pass the continuance of the Tobacco Inspecting Act mentioned in his Speech, if not regulated by valuation of Coin according to the Statute of Queen Anne; this he observed not only by y[r] Inst[ns], but also the Crown's

rec^{d} It may slip y^{r} Lord^{ps} mind such y^{r} Inst^{ns} preparative you sent him to obviate false valuation over or under this the former act they did the Lo. H. over value to cheat y^{r} officers ffees. In his Let^{r} he says, the Cur^{cy} Act was in Debate; An Act very prejudicial to you, Duty ffree on all Tobacco's lost; this during War of much prejudice to you. I conceive no reason for it, why y^{r} father suffered his Tunnage on ships to be included a Loss to him, by it he exonerated the Merch^{ts} Loss, who upon the Trade is a great Gainer, & for w^{t} Gain he ventures his ship, he may have Insurance to make good, he pays not a Doit in Support of the provincial State; other reason I conceive was Gain of Popularity to his Gov^{r} who must have imposed upon him. The Act passed in 1733, duration to Sept^{r} 1764, Duty ffree on Loss by re-export, to make good 90000 £ Cur^{cy} within the Limited time 15^{d} upon Tobacco Hogsh^{ds} & upon ship Tunnage, the Latter a great Loss to you from unreasonable Gain to the Merch^{t}, who upon the whole Trade is Gainer. Re-export on the Tobacco Hoghs^{d} has colour, for by it the Planter has salvage. Last year I wrote the Gov^{r} I would sign no more certificates on Loss on y^{r} Acc^{t} after Sept^{r} 1764 & of w^{h} I had warn'd the Merch^{ts} here. No colour have they for continuance of such an Act but it having been passed. The Staple of the Cur^{cy} Act is Bank stock perchased by money arising upon Duties on Tobacco Hogsh^{d} & ship Tunnage; 'tis certain all Cur^{cy} i. e. money shou^{d} turn out sterling, for no Commerce can be held where it does not, 'tis Central to all points. Bank Stock at present is Low. If thro' Logical Argum^{ts} it be reasonable on Acc^{t} of defficiency of the Cur^{cy} Staple by Bank Stock sold to make paym^{t} sterl^{g} for the use of the Cur^{cy} at the Expiration of the Act, a further time be allowed to the Act to make good Public Cre^{dit} the requisition of such time

may be three years, I think not so long, it depends at times the Buying in the stock, how it will answ^{r} at the experation of time on Sale? for by the Peace Bank Stock is now at least 20 p^{r} Cen^{t} advance upon sev^{l} sums of money p^{r} ann laid out in that stock to make the Cur^{cy} good sterl^{g} so I hope the perchase at times will Counter-Ballance to make good. For its time the Act had its Quietus, an unreasonable Bargain to you. This inter als. of consequence, how much you may be wanted, y^{r} Dissent to unreasonable Laws; unavoidable but by the steady Adherance of y^{r} Up^{r} H. to you & y^{r} Gov^{r} As to the Inspection Law, Intelligence says that is passed conformable to Inst^{ns} The Gov^{r} writes all's Quiet. The Savages of Little hurt on y^{r} Quarter part, America. I hope y^{r} return by Midsum^{r} you are too Venturesome, Avoid Poland 'tis a Dissert. No of Syracuse Wine rec^{d} By

Y^{r} Lord^{ps} Affec^{t} Uncle & faithf^{l} Serv^{t}

Cæcil^{s} Calvert

Pos^{t} Inclosed Doct^{r} Jam^{s} mild Powders 1 Dozen the other Dozen sent to Smyrna in the Box with the Globes and Telescopes—the Duke of York at Genoa. The Duke Brunswick expected, joyous marriage. Princess Augusta. M^{r} Wilkes at Paris. Large Bets on his return & Non-return by the meeting of the Parliam^{t} on the House's sum̄ons for his Appearance. I think he will not.

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Personal matters].

London Jan^{y} 30th 1764

My Dear Lord/

By the return of the post I answ^{r} y^{rs} of Nov^{r} 10th & D^{o} the 15th I am glad to hear mine of the 25th of Oct^{r} is read by you, two more Via Vienna from me are due to you. you pay me kind compl^{ts} for my Address to you it give no smal pleasure y^{r} estimation thereof, I do it with sincerety. the 11th of this instant, I wrote you of all particulars concerns fully, inter als, of £12252. 16. 10¼ late remittances rec^{d} from y^{r} Provincial Rec^{r} Gen^{l} deliv^{d} by me to the Mess^{rs} Hanbury for & to y^{r} acc^{ts} & in that Let^{r} Noted a Bill of Exch^{ge} of £1900 value part of the aforesaid sum was protested, it was But is since paid, this my Let^{r} via Napoli. y^{r} residence at Southampton row, Miss Calvert [well] save a cold she has got I deem from return of the Bell Assemblies &c^{a} y^{r} Hous she is much pleased with is ready for y^{r} reception. I've paid the Artificers on y^{r} Acc^{t} £2812. 5. 5 in p^{t} due to them £796. 4. 7. I have wrote to you particulars, Via, Napoli & sent you one Dozen of Doctor James's Mild Powders, the other Dozen I have sent in the Box with the Tellescopes & Globes to Smyrna as by you directed. Y^{r} acc^{t} at olympus sortie agreeable, fine Trout delicious, was I woman sho^{d} Long. I have paid M^{rs} Hertford £200: Miss Julliets acc^{t} is paid £36. all these persons well. I will take & do the best con^{g} the Benevolence to y^{r} Province value £200 worth in Gun powder & Ball & inclose y^{r} Let^{r} to y^{r} L^{t} Governor; from whom I

have a Letr dated the 12th of Novr last, the Assembly was then sitting; by the Tenor of his Letr but short, he observes, the fierceness of the Savages abates, & that the obdurate Spirit of the Lo. H. of Assembly mollifyes; these being Tyding of Gladness to you I note them to you. I am emerged in, Ink & upon paper for yr Province of Maryland, therefore have but just time as the Ships are on departure to write at this present time some few occurences to you. I am concern'd for the Birth you mention, 'tis unlucky an embaressement. Tis yr own creating, do the Best; comfort her; my Complts to her.

Yrs Afft & faithful Servt

Cæcils Calvert

Post I hope yr return soon yr Affairs indeed & indeed want you. On closing have a Letr from the Maryland Surveyrs who have begun the 40th degree Line of Latd } In health so so, thanks yr enquiry.

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Personal Affairs. The Penns.]

Westr June 1st 1764—

My Dear Lord/

Yr Letr of April the 6th has revived me from despondency about your Safety, not hearing from you since Janr the 26th the 10th of wh inst I wrote you a Long Letr Via. Napoli. since all my Letrs at least sight particularizing all concerns I directed to you a Monsr Le Baron Friers a Vienne. By my

two last March 28th & April the 6th I inclosed you the Messrs Hanbury Accounts Genl & Mr Lyon's Acct & specify'd on the Back of Lyon's Acts all my paymts on yr acct to yr Artificers in Southampton Row, wh paymts amounted to £2812. 5. 5, the remdr of yr Credit to me out of the £3000, remder £187. 14. 7 out of wh must be paid £60 yr Moiety with the Duke of Bedford settled for the way before yr door. I also specify'd the remder of yr Debit then to yr Artificers, particularizing to each amts upon the whole to the sum of £794. 4s 9d, & I particularised my draughts on Messrs Hanbury yr private Orders & on yr Accot paymts amting to the sum of £632. 5s 0d, & to give you a clear view on those matters I thirdly inclose you the Messrs Hanbury Acct Genl as accident may have been by Loss of the formers transmitted you. of Mr Lyon's acct amounts to £569. 15s 1 out of wh Bal. to you £148. 3s 4d he is at Woodcote disposing by sale yr Horses, I know not How nor why? I have seen little of Mr Provost, have done all he has desired of me. He told me some time past Woodcote sale was to be in May, now postponed to be in this instant & by the advertisemt to be by auction sold by Mr Langford at his Action Room Covent Garden. Yr vacant ground at Southampton Row we can't get Builders to take. Yr House & environs are very agreeable. Yr sister Caroline has a pleasant Birth & the Air agrees with her well. I have sent yr inclosed to her, & yrs to Mrs. Harford who resides at Mortlake. Epsom Races now are, yr Horse Brilliant Mr Sparrow thinks not proper to run there, a superiour Horse being entered for that course designed agt him, he is to run at Guildford. His Excellency the French Ambassadour has sent me a Messuage, he designing for the Races, requested the favour of seeing Woodcote & taking the Liberty of dining there by his own Cook. I returned him a Polite Card of his

being very acceptable to you, at the same time an order to Mr Lyon to receive him in the Best manner yr seat afforded.

With regard to yr Provincial Affairs, much wrangle has been occasioned by the Lo. H. wh the Upr H. has with fortitude & good sense defeated. In my Letrs I have advertised you the particulars, so at present defer particular remarks thereon; some little dispute cong has been here not worth relating; at present all subsides, & by the Govr's last Letrs the same in the province & the Indians have very Little Effected yr Province. Pensilvania by the Indians has suffered much depredation with Loss of much Blood on Both sides; the Indians have assail'd within six miles of Philadelphia, much abuse is publish'd here agt Messrs Penns & their Administration of Governmt; great war to dispossess them of the Governmt part. Mr Thos Penn is much Effected he told me with the clamour, his whole Govemt is in confusion, his Nephew not above 24 & unschooled in the arts of Life of human dealings, not fit for the task, he observed, saying how do you manage? (he has had four Govrs in the time you have had one) I told him you avoided wrangle as much as possible, was firm to the real Rule of Governmt Says he, yr Lo. H. is vexatious & turbulent. I answd yes. But of that yr Lordp left to be decided by the Upr H. He replyed in that his Lordp has much the advantage of us. I have wrote fully on all matters to yr Govr & transmitted him the Gun powder & yr Letrs of these matters I've wrote you particulars. I can't help observing like to arise much violent dissention in yr province, wh I think can't be well cured but by yr Presence at home, I therefore hope yr return. May all health attend you & that this Letr may meet you in happiness at Warsaw, from My Lord

Yr very affte Uncle &
faithful Servt
Cæcils Calvert.

Post. I am well recovered but am old; think the Tunbridge Steel water will Benefit me so design shortly there, yrs of the within date recd 28th of May.

Post. Yr Globes & Telescopes sevl months past sent you to Smyrna, & yr convex Glass directed to Mr Greenville, yr Pocket Books not arrived./

SECRETARY CALVERT TO FREDERICK LORD BALTIMORE.

[Academy at Annapolis].

Chas Street Westr July 2d 1764.

My Dear Lord

This is my 3d Letr to Warsaw, since yr intelligence of direction to you via Vienna by Baron Friers. I have yrs Pera April the 24th wh gives me Spirits not only of your being well, but also of your intention homewards by way of Poland. I have had lately a Letr from yr Lt Govr & from him Acts of Assembly passed by him 34. the 4th of October Last, & some of them Acts being of a peculiar Nature, requires yr peculiar attention & consideration in as much I apprehend to occasion yr Dispatch. The Province, he says is Quiet & no harm has happen'd by Indian War, but seems to think much disquiet will arise at the meeting of the next Assembly, by the Lo. H. particularly, cons a Bill for the establishmt of an Academy for Learning at Annapolis; as means thereunto, they design striping you, Nolens Volens of yr right to the House some years past Built & from their Ill will not finished

at Annapolis, designed as residence for you & y^r^ Gov^r^ & for w^h^ purpose y^r^ father gave a Large Quantity of ground. And for maintenance to the Academy they are for making a perpetual Law by gift of the ordinary Licences, & this done with^t^ any favour from you or acknowledgem^t^ to you, this is very unjust & alarming! he hints th^t^ many of the Up^r^ H. think an Academy necessary. In a Let^r^ June the 12^th^ I wrote him, as I expect you home by Nov^r^, I shou^d^ then have the opportunity to laye all matters in Contest before you, In the mean time hoped & did not doubt, But that he & the Up^r^ H. will reject all attempts upon y^r^ Lord^ps^ rights, Dignity & property; that if any favour was reasonable to be gained, it must be first by Dutiful remonstrance had by y^r^ permission. I thus Briefly state matter of consequence to you, y^r^ real presence is absolutely necessary. Unfortunate incidents & turbulent Spirits in Pensilvania has bro^t^ on the Mess^rs^ Penns much vexation & trouble, their senate have voted an Address to the K. . . to take the Goverm^t^ out their hands; & our papers exhibit much abuse ag^t^ them—

The 28^th^ of last month Woodcote by M^r^ Langford in Covent Garden was by Auction put up to Sale, I attended; to my Surprise none appeared but the wretch'd, at last after much Silence, One of M^r^ Langfords puffs bid £15000 & so on by his other Puffs to £23900 he then struck his hammer, not one real Bidder. they may write you of Persons since ab^t^ it, be not amused & add further charge on you, be y^r^ own judge on y^r^ return.

The convex Glass not being sent I have stop'd it, agreeable to y^r^ orders. I am glad you have the Mess^rs^ Hanbury Acc^ts^ Bal to you £21534. 9^s^ 3^d^ & in my last 3^d^ June I noted to you 1^st^ Bills of Exch: value £1061.. 15^s^. 4^d^ rec^d^ making their Acc^t^ £22596. 4. 7 to you if any Errors by their acc^ts^ that will

be adjusted on y^r^ return, by their rec^t^ of Bills & Specie deliv^d^ to them. M^r^ Bush the Carpenter has been with me, desired to know if he was to go on further in work, I told him no, leaving further proceed^gs^ at y^r^ return as well as paym^t^—I have p^d^ M^rs^ Harford y^r^ order £50—And to M^rs^ Hales shall follow y^r^ order to have £100 & as you desire & Do to her requisite good offices—Y^r^ pocket Books from Turky not arrived—Y^r^ Horse Brilliant won a plate £50, a in Suffolk D^o^ is to run at Ipswich—I am drinking Dog & Duck water, after design the steel spaw. With refreshm^t^ of Woodcote & Quiet I hope to strengthen my Nerves—S^r^ Abraham Janssen past all hopes of recovery. Fre^d^ Hyde & Madam Bressan Dead. M^r^ B——g & wife in Lincolnshire has made as yet no settlem^t^ Miss Caroline's Love to you, a charming Sum̄er—rumour of war, administration not easy—Stocks sink—With all Esteem

Y^r^ Aff^t^ Uncle & faithf^l^ Serv^t^
Cæcil^s^ Calvert

Pos^t^ have y^rs^ May 13^th^ answ^d^ in this/

To L^d^ Baltimore
a Baron Freiss Vienna

DANIEL DULANY TO SECRETARY CALVERT.

[Personal Explanations. Alienation Fines.
Public Burdens. Paper Currency].

Sir,

I have the Honour of yours of the 28th of Febry As to what regards my Brother your answer is conclusive. I did not apprehend that my Request wou'd interfere with any System, or particular plan you had laid down, having been induced to make it, not only from what the Govr himself suggested, that, for want of precision in your Recommendation, he cou'd not guess what was expected from him; but from what he had frequently intimated before, that had there been no other obstacle than his Inclination my Brother's pretentions wou'd not have been so long overlooked. The Govr having often assured me, that he had warmly recommended my Brother as a proper person to be provided for, wch seem'd to imply, that an ulteriour Approbation was necessary, & you having been so obliging as to signify your Disposition to serve Him, I concluded that ev'ry Difficulty was remov'd. These Circumstances led me to make the Application I did, wch tho' they may not evince its propriety, will yet, I hope, excuse the Mistake I have committed in it. As to what relates to Mr Ross &c. I shall not detain you on that Head, presuming, however, that his situation hath not appear'd to be materially different, from what it was supposed to be, when you favour'd me with your Letter to the Govr

I have been well informed of the real occasion of Ross's leaving England.

You are pleased to observe that the Governour's Disposition is Good-nature & to Subjoin, "pay him the Compliment

due to his Station, & you'll obtain your Suit." If the Compliment you allude to, was in making Application to him, it has been, over & over paid, nor did I apply through any other channell, till he gave me Reason to conclude that it was necessary. I well know that a power to confer favours is as necessary to sustain the Weight & Influence of a Governour's Station, as his due Regard, in dispensing them, to the Merit, Services, & Connections of Competitors is necessary to the promotion of his Lordships Interests, & to the Authority of his Government. When upon a distant Hint of improper Behaviour one is put upon guessing, shou'd the conjecture be erroneous, it is not without Excuse, especially when, upon an Accurate Retrospection into past conduct, no just occasion of offence, or complaint can be discover'd.

If (for I can only speak hypothetically) the Gov^{r} has surmised any Thing to my Disadvantage, I must take the Liberty to say, he has acted with a Degree of disingenuous Duplicity, w^{ch} I never suspected him to be capable of. I have not had the least visible difference with him. When Business or Amusement hath brought us together; I never perceived any Symptoms of Disgust, or coolness in his Behaviour, on the Contrary we have ever since his Residence here lived in a constant Interchange of Civilities. Upon my going last to England, there were a thousand Conjectures formed, & Reports spread concerning the Motive of my Voyage, & the Letters I recēd, whilst I was there, informed me that the Gov^{r} suspected I entertain'd Views to injure him, & exalt myself at his Expence. Upon my Return to Maryland it was more than whisper'd, that my ambitious Schemes had been defeated through the Vigilance & Address of M^{r} Sharpe's Friends, whose Representations had made so deep an Impression upon L^{d} Baltimore, that he even denied me an Audience.

There are people in the World, who can, by laying hold of an Incident that is true, (my not having the Honour to see L^{d} Baltimore) dress up a formal Story with some semblance of probability. For some time I treated this Calumny with the Contempt I thought the Folly, & Impotence of it deserved, 'till I heard that the Tale, strange as it is, had been seriously mentioned by a person very near the Gov^{r}, when I thought it was proper, if it had excited any Suspicion to remove it, & imagin'd it had made no Impression, when he assured me with great Complacency, that he thought himself obliged to me for the favourable manner in w^{ch} I had spoke of him in England, where in Truth I always did speak of him, as a good-natur'd man, & gave him the praise, I thought, his very alert, & serviceable conduct during Forbes's Expedition, merited. I must acknowledge, I was & still am persuaded, that an excessive facility of Temper, or a very artfull Management, hath given some persons an Ascendant over him, who are not his Superiours in Point of Understanding & are infinitely his Inferiours in every other estimable Quality; & that this yielding hath diminish'd the Weight he otherwise wou'd have had, drawn him into Inconsistencies he otherwise wou'd have avoided, & exposed him to Censures he wou'd not have incurr'd, if he had the Firmness to act upon his own Principles. Shou'd he have been induced to beleive that the compliment due to his Station ought to be extended to all his Attachments, & that the Insolence of a little Jack Daw, strutting in a borrow'd Plumage, is not to be repress'd, because he is, now & then suffer'd to deck himself out in it. We unfortunately differ in opinion, & in this View I may, perhaps, have offended him; but I utterly deny that I have in any Instance offer'd the least personal neglect, or disrespect to him, & flatter myself you will do me the Justice to beleive

that, I wou'd not deny, what I cou'd not with the Strictest Veracity.

You will, I hope, pardon this Detail; for as it is natural for me to conclude from the recited passage of your Letter, that some Representation, or supposition of Disrespect in my Behaviour to the Gov^r hath prevented my Brother f^m obtaining his Suit, so it is natural to endeavour to vindicate a conduct, w^ch I am conscious doth not demerit any Reprehension, & I am as confident, wou'd meet with none, if every Circumstance of it was candidly related, & fully understood.

It is impossible to be quite silent upon such an occasion, tho' one is aware of the Difficulty in hitting the exact medium between saying too much, & saying too little. A total Silence is a Kind of Acknowledgement of the Justice of the Imputation, whatever it may be,—a minute Defence ag^t every Charge, w^ch Conjecture might suggest, wou'd be equally irksome to make, & disgusting to read, & he who undertakes to obviate that w^ch has given offence, without being informed what it is whilst he is sensible of the Fallibility of Conjecture, he cant but apprehend, in such a state of Incertainty, that he may not have done enough, after he has done what he imagins to be, most probably, requisite. Had I been directly charged in any Instance with improper Behaviour to the Gov^r I shou'd have very little Scruple in applying to him for his Grounds, & I believe as little Difficulty in giving satisfaction; but I did not think myself at Liberty to take this Step upon the Hint contained in your Letter.

The Anonymous Letter you mention to have been publish'd in one of the daily papers, is, I presume, the same we have had here in the Nov^r Magazine, undersigned R. B. supposed to be the initial Letters of Richard Brooke's name, tho' he is not believed to be the Author. I have sent you a Pamphlet,

wch was deliver'd by the Door-Keeper of the Lower House under a Cover addressed to Each member of the Council. From whose Quiver this Shaft came is not at present Known. Something of the Kind was long expected, & I suspect was sent, when I was in England, to Mr Anderson under a Direction to Mr Franklin, who, I believe from many Circumstances hath been concerned in the Composition. The Diction, or Style of it is very much like his—it was printed at his Press. In a late Publication, wch he is known to be the Author of, there appears a great Resemblance of the Remarks. His schemes in Pensylvania are very correspondent with the general Spirit & Design of this Piece. These Circumstances, indeed, afford only a presumption, but I think it is enforced by this consideration. The Language & manner of this Pamphlet is so very unlike all the contraversial Messages from the lower House, that there is no Reason to infer the Author of it has been concerned in any of those Messages.

The Message remarked upon, wch it seems was penned by Mr Bordley, was sent from the Council in 1762; but the pamphlet does not really answer it; for this Message, referring to another, for the objections to the Assessment Bill, in 1758, made the Message of 1758 part of itself; but to the objections contained in the Message of 1758, the Pamphlet doth not attempt an Answer. It asserts, indeed, that the Bill in 1762 was different from what was proposed in 1758; but this is gross misrepresentation: for thó there were some unessential variations from the Bill of 1758, yet the plan was the same, & all the most exceptionable parts of the Bill of 1758, upon wch there was a Conference between the two Houses, were retained in the Bill of 1762.

When the Lower House called upon the Upper for their objections to the Assessment Bill in 1762, as if they really

were ignorant what They cou'd be, althó They had been before the Subjects of a long Controversy, it provoked some Asperity in the Answer. I penn'd all the Messages from the Council relative to the Assessment Bill, 'till 1762. when I was in England, & Know that those Passages of the original Assessment, against which our strongest objections were pointed, the Lower House literally transcribed into every subsequent Assessment Bill to the last.

The whole Art of the Pamphlet consists in taking Advantage of some unguarded Expressions in the Message of 1762 thrown out in the Ardour of Controversy, & in representing the Upper House to have been actuated in their Rejection of the last Bill, by motives they dared not to avow, & to bring to a publick Discussion, thô, really in Effect, the Upper House, by referring to the Objections of 1758 made them over again in 1762, w^ch^ was not very improper, since the Bill of 1762 was essentially the same with that of 1758. The Affair being view'd in this just Light, it will appear too that many of the Reflections in the Message of 1762, being relative to the proceedings of 1758, do not deserve the Imputation of unfair Dealing with the lower House in 1762.

There is a matter very plausibly, but very unfairly represented in the Pamphlet. I mean the Agent-Bill. In truth there never was a Bill framed in the Lower House for the Support of an Agent, w^ch^ the Promoters of it, seriously, expected wou'd pass into a Law. Any one, however, unacquainted with our Politicks who shou'd peruse this Pamphlet wou'd be induced to conclude, that an Agent had always been refused, by the Upper House for no other Reason, than to prevent an Examination into, & Redress of the Oppressions & Aggrievances of the People by his Majesty in Council; but if any of the Agent-Bills rejected by the Upper House are

inspected, it will appear, the Upper House had other Reasons for their Dissent, among which, is this very strong one: They contain Reflections upon the Upper House, & impose a Tax upon the property of the Members of it, in order to support an Accusation against them, without allowing them any share in the Application of any part of the money in their Defence.

The State given, by the Pamphlet, of the Agent-Bills is very consistent with all the proceedings upon that Subject; for the Questions, as they are put upon these Bills are proposed so captiously, that no Member can vote in the negative, without voting directly against the Appointment of an Agent at all Events; & this is the Reason, there is seldom a Division in the Lower House upon any of them, because the Friends to the Government can't divide, without seeming to adopt a Principle, which the Government hath always disclaimed. It was said that an Answer was preparing to the *Remarks* with the Assistance of Mr Bacon. He is an ingenious Man, & well acquainted with the springs of our Political Disputes, & I think that, by recurring to former Proceedings, a great Deal will be found done to his Hands. You will have heard, no doubt, before this can reach you, of the Application from the Assembly of Pensylvania to his Majesty for a Change of Government. Mr Franklin is at the Head of the Faction who desire the Change, & has had the Address to draw the principal part of the Quakers into his Measures, thô evidently opposite to their Interests. The late Dispute between the Quakers & Presbyterians, occasioned by the Destruction of the Lancaster Indians by the Latter, hath risen to such a degree of Animosity, & Rancour, that the Presbyterians, thô always heretofore warm Advocates for a royal Government, are, from a principle of Enmity to the Quakers, become Friends on this Occasion to the Proprietary Party, & if the

German Emigrants settled in that Colony, who are very numerous, shou'd be induced, from a Similarity of situation, & a Sympathy of relligious principles, to unite with the Presbyterians, as one wou'd expect, there will be a great Majority in favour of the present proprietary Government. Franklin in a late piece intimates that there will be some Attempt in this Province to shake off his Lordship's Government, & a similar Passage occurs in the *Remarks*. There has been no meeting of our Assembly this year, nor will there be any, 'till after a new Election, & therefore it is probable the Fate of the Application from Pensylvania will be determined before any can be made from Maryland, shou'd it be attempted, w^{ch} I very much doubt, thô our party Dissensions run higher than ever I knew Them.

I entirely agree with you that Lord Baltimore is, in all Reason Justice, & Equity, intitled to a fine upon every Alienation, & presumed that his Lordship deem'd this a very important Branch of his Revenue, w^{ch} it indubitably is. To secure it was my object, & that I have failed in my means to attain it, can be ascribed to no other cause than the workings of Malice, & the Intrigues of Envy. If his Lordship can at present enter upon the non-payment of the Alienation fine, the Amendment proposed by the Upper House to the Bill for a general Registry of all Deeds was at least unnecessary, & the Bill, consider'd only in the Light of pointing out when a forfeiture shou'd be incurred, & upon whom the Entry shou'd be made, was very beneficial to his Lordship. You observe that You can't conceive how the Amendment shou'd cause the Miscarriage of the Bill.

Whether it did or not, is a mere question of fact, & there is the clearest Evidence to determine it upon: for the proceedings of the Assembly shew, that the Bill was originated

in the Lower House, & sent thence to the Upper; that it was returned from the Latter with the Amendment; that upon its Return to the Lower House, the question was put upon it, & it was there rejected. Thus the fact is establish'd beyond all Possibility of Doubt.

Whenever I have mentioned this matter to you by Letter or orally, you must recollect that I always intimated my Apprehensions &c. & when an Event hath happen'd w^ch^ those Apprehensions predicted, there is a presumptive proof at least that I have not been rash in charging the Miscarriage of this important Bill to a motive very different from an honourable one, or what a Regard to his Lordship's Interests wou'd have prompted. As my Apprehensions had arisen from Experience & other Occurrences, so is my Opinion founded upon a direct, as well as presumptive proof; for there is an Indiscretion attending the Success of petty Intrigue, w^ch^ frequently betrays the Springs of it, & so it happen'd in the present Instance.

You are pleased to ask why shou'd his Lordship's Alienation-fine be in a manner left a stray? I must answer, that it wou'd have been effectually secured & that the proposed Law wou'd have been advantageous to his Lordship in other Respects. How this Purpose wou'd have been effected, my former Letters, & conversation have explained. But still it may be ask'd, why shou'd there not be a direct clause compelling the payment of the Alienation-fine? To this I answer, because the Lower House, as I foresaw, as every man upon the Spot knows, & as the Event hath proved, will not pass a Bill with such a Clause. Here another Question will arise not so easy for every one to answer—why shou'd the Bill, w^ch^ the lower House had passed, securitative of so important a Branch of his Lordship's Revenue be alter'd, when nothing

less from the Alteration cou'd really be expected, than the total Miscarriage of the Bill?

You observe that 3 successive Attorneys General have concurr'd in Opinion, that L.d Baltimore hath a good Right to the Alienation fine &c.; that he does not want an office; that the Land falls to him by Extinguishment of the Tenure. Permit me to remark that the present Subject is the *Alienation fine*, & not his Lordship's Title to *Escheats* propter Defectum Tenentis, to which part at least of the above Opinion seems applicable. I am convinced that my Lord hath a most equitable claim to the Alienation-fine; but upon what principle He can enter, if it is not paid, or how the Statute of Mortmain of the 7.th Edw. 1.st can be applied to this Topick, I can't conceive. By the Abolition of Tenures in the Reign of Car: 2.d the Fines w.ch attended them were abolish'd too & the Alienation of Land in England, from one private person to Another, is not restrained but by the provisions of particular Deeds, or by particular local customs.

The præ-fines, King's Silver & post-fines due upon the levying of Fines in the C. B. stand upon a different Reason from his Lordship's Claim to an Alienation fine upon all Conveyances of a Fee in virtue of a Clause in his Patents. It is this Clause which gives his Lordship's Right; by this, I apprehend, it may be supported, & he must rely upon this provision in his Patent, for more Reasons than can now be explained.

I know that opinions have been given upon this Subject by Sir Geo: Treby, & afterward by Sir Dud.y Ryder; but neither of them apprehended, his Lordship cou'd enter upon nonpayment of the Fine, or that a forfeiture of the Land was incurred thereby, & I always took this to be a clear Point. No one here has ever thought it necessary to erect a particular

Office for the Receipt of the alienation-fines, thô in Effect his Lordship hath an Office here, for that purpose—I mean the Agent, who has Deputies in every County. Some, indeed, have thought the Finding of an Office necessary to intitle Him to Land by Escheat; but I think they are mistaken, & the Opinions of Sir Geo: Treby, & Sir Robt, afterward Ld Raymond, are against them.

If, nevertheless, his Lordship hath a Right to enter, & a forfeiture is incurred by the non-payment of the Alienation-fines, he has suffer'd extremely by the neglect of this Remedy. It is a plain, easy & effectual one; but I thought & indeed still am of Opinion to the contrary thô I shou'd really be glad to be mistaken.

I Hope I shall not be understood to argue agt his Lordship's Right with a View to injure it, my Intention being very different. In Truth, I suspect, the nature of his Right is not distinctly, & accurately perceived, wch it ought to be, that some competent Course may be taken to establish & secure it.

Be pleased to observe that, when the clause in the Patents relative to the Alienation-fines was originally framed, it was necessary to record all Conveyances by the Laws of this Province; but these Laws have been long since abrogated, & the necessity of recording any other, than Deeds of Bargain & Sale hath ceased, thô the Form of the Clause is still retained; wherefore, as the peculiar Circumstances to which it was intended to adapt the clause, when it was first framed, have varied, it is not, at this Time, so suitable to the purpose of it, as it was originally; but if a Law were enacted compelling the Enrollment of All Conveyances, those Circumstances wou'd be revived. If this State of our Laws be not adverted to, there will appear to be great Confusion, & Perplexity in the clause.

The fines upon Bargains & Sales used to be regularly paid, thô it is now said, that these Fines have lately not been paid. If the Fact be really so, there has been most egregious neglect in suffering it; but I much doubt the Fact & suspect that they who have asserted it speak only of Mortgages, and do not distinguish between Bargains & Sales, & other Deeds. In every Instance of a Default of Payment, it can be most easily discover'd; for the clerks of the Counties, & the Clerk of the Provincial Court return annually a List of the Alienations recorded in their respective Offices, & if that List be compared with the Account of the Fines received, surely it can't be difficult to ascertain, who have not paid.

Give me Leave to state the Matter, as it arises from the Patents. If his Lordship has already received Satisfaction f^{m} the Opinions of his Council, it can be of no prejudice, & may be laid aside as useless. The Clause runs thus. "Yielding & paying therefore &c. the Rent &c. & for a fine upon every Alienation of the Land, or any Part or Parcel Thereof one whole Year's Rent, Provided that if the said sum for a fine for Alienation shall not be paid &c. before such Alienation, & the same entred upon Record &c. within one month after such Alienation, Then the said Alienation shall be void & of none Effect.

A man seized in Fee, in virtue of a Patent, conveys to another in fee. the Grantee refuses to pay the Alienation-fine reserved in manner aforesaid.

Q^{re} can Lord Baltimore enter into the Land convey'd claiming it, as forfeit'd upon Non-payment of the Alienation-fine, or hath he any other, & what Remedy to recover the said Fine?

The Alienation fine is as much a Part of the consideration of every Patent, as the Caution-money, & the Rent reserved;

& I make no doubt but the Chancellor wou'd, upon Application to him, decree the payment, & one or two Examples wou'd prevent future failures. We have many Precedents here in similar Instances, & our own precedents will always be regarded, besides the Equity of the Claim. Is it not evident that if all Conveyances were to be recorded—but I will trouble you no more on the Subject. I thought it of great moment to my Lord, & have therefore been very anxious to improve this Branch of his Revenue & this persuasion hath, perhaps, led me to say more than enough already. I must confess that it is some Mortification to have my well-meant Endeavours defeated, & that I have too much Sensibility to be able to suppress ev'ry Emotion of Indignation, when I perceive the Artifices of Envy have been palliated under a Profession of more laudable Views. We have lately got into a strange notion of Departments. It is common to hear it said, such a proposition ought to be rejected, because it doth not belong to his Department. Whether these Ideas may as certainly advance his Lordships Affairs, as they are apparently calculated for other Purposes, I shall not say; but I conceive that it is within my Department, by* w^{ch} I mean, my Duty, to represent from a principle of Gratitude & faithfullness, what I am persuaded is worthy of Attention, & to point out the measures to accomplish it with plainness, & Sincerity. If unwittingly, I offer anything of a different Tendency, I shall always be ready to retract my Errors, as soon as I perceive them.

What you was pleased to observe in respect of the Ordinary Lycences was set forth, as I find by my notes, in a Message from the Council in March Session 1755, to w^{ch} I cou'd not be a Stranger. If that Message proves his Lordships Right, it does more, I have reason to say, than the Author of it

imagin'd. The matter is now at large, there being no Act of Assembly in force relative to the Subject, & if his Lordship is really intitled to the Benefit of the Lycences in virtue of any Right springing out of his Charter, Measures may now be taken to assert it: for there is not a maxim better established among the Professors of the Law, or more evidently deducible f^m^ the principles of common Reason than this— He who hath a Right to any thing is intitled to a Remedy to recover it, if withheld; legal Right, & legal Remedy being convertible Terms.

As my meaning was purely to give you Information, & to apprize you of what is to be expected, I shall not pursue the Subject any further, & especially as in stating, explaining, and applying the Precedents you refer to, & some other relative to this Topick, my Letter might seem to catch something of a contraversial Air, very unsuitable to the Correspondence you have honour'd me with.

You have been very rightly informed that there is no establish'd church in Pensylvania, & that the Support of it in Maryland is a disagreeable Burthen to the Dissenters, who are at the Expence of Maintaining their own Clergy, or Teachers, besides contributing to the Stipend of the parochial Clergy. What is paid to these by the Professors of the establish'd Faith, is paid without Reluctance, except where a profligacy of manners or extreme Ignorance hath marked them out, rather as objects of Detestation, or Contempt, than of Reverence, or Regard; & I have the pleasure to observe that these Instances do much seldomer occur now, than they formerly did. The objection to the Clergy's Dues being confined principally among the Dissenters, is not so great an obstruction in the People of this province, as it may be supposed to be, tho' without Doubt it is some Disadvantage.

Exclusive of the 30 ℔ Poll, the weight of Taxes is much heavier here than in any other Colony, & therefore Lands of similar Quality must be less valuable. His Lordship grants his Land in respect of his caution, or purchase money, & Rent, at an easier Rate than Messrs. Penns do, in many Instances, thô at a much higher, than in the royal Governments; but yet if an exact Estimate were made, it wou'd turn out I suspect, that the Taker up of Land pays more for it in Maryland, than in Pensylvania. The seeming Paradox that Ld. Baltimore receives less for his Land, than Messrs. Penns do for theirs, & that yet the Purchaser from the former pays more than the purchaser frm the Latter, is easily explained. Very little is paid in Pensylvania beyond what is received by Messrs. Penns, a great Deal is paid in Maryland beyond what is received by Ld. Baltimore. Petitions, Draughts of petitions, orders, Warrants, Renewments, Recordings, Surveys, Journey Fees, Platts, Certificates, Recordings again, Examinings, Patents, Recordings again, Seals, to say nothing of Perquisites, contingent Hearings, & Lawyers fees, are very expensive in Maryland. If it be consider'd that the Fees charged by the Judges or Registers of the Land-office, Surveyors, Examiner, Clerks, Chancellor, amount to an annual sum of at least, by the most moderate Computation, Half a Million of Tobacco (wch if denied may be easily proved) it may be well conceived, that there is little Room left for his Lordship to add to the Caution, or Purchase money.

It is nothing to the Taker up of Land to whom he pays, whether to my Lord, or to his Officers. He will only consider what he can afford to pay, & it is certain that the more he pays to the Officers, the Less he will be able to pay to his Lordship.

His Lordships other Officers are paid by the People; but the Judges of the Land Office, and the rest who are concerned

in respect of his Grants, are paid actually out of his Lordship's Pockett, as may be collected from what I have said. When the Inspection Law first took place & the Assembly were for applying their pruning Knife to the Fees of the Land-office &c, they were told, that this office was peculiarly his Lordship's; that, as he might demand what he pleased for his Lands, so might he regulate these Fees, as he thought fit; that it was nothing to the People, it was not a publick office to which They were obliged to apply, it being in their option whether They wou'd take up Lands, or not; that the Fees were to be consider'd as part of the Terms of the Purchase, w^ch^ my Lord, had a right to fix. Hence it happen'd that the Fees in the Land-Office are so much higher, than in any of the other Offices. I am of Opinion that, in the present situation of Things, his Lordship wou'd effectually put a stop to the Business of the Land-office, shou'd He raise the Caution-money, unless some method be fallen upon to do it, without increasing the Expence to the Purchaser, w^ch^, without Doubt, might be done.

In a few years there will be very little vacant Land, & therefore there will be probably more Attention bestow'd upon the Improvement of the manors, or reserved Lands.

Every Gentleman who lets out Land in this Country, knows, how difficult it is, with the utmost Care, to make any considerable profit by that scheme, & how impracticable it is, to get an annual Rent equal to half the Interest w^ch^ wou'd arise from the money, for which the Land wou'd sell, or to prevent the Abuses of Tenants in the Commission of waste. They who have children to provide for, keep their Land with that view. it is a kind of property less slippery, than money is, in the Hands of Young or Imprudent People, & moreover, every one here follows the Business of planting,

or farming who is not of some profession, engaged in Commerce, or imployed in office. If Landlords on the Spot find little profit, & suffer much from waste & Destruction of Timber, it may be easily imagin'd, that his Lordship finds less, & suffers more.

If his Lordship shou'd on a consideration of all circumstances, be inclined to sell his reserved Lands, I can see no Reason why he shou'd not get as good a price, as any private Gentleman wou'd do, for Lands of the Like Quality, & still add to his Revenue by a Reservation of the common quit-rent, & Alienation-fine. It is true that Purchasers, able to pay down large sums, do not offer every day; but there are many able to pay part, & the Land might be engaged, with its after Improvements, for the Residue; & to prevent Jobbing by low Sales, it might be limited that no Land shou'd be sold at a less Price than e. g. 20/. ster^{g} ℔ acre. If it be a fact, w^{ch} no one can controvert, that the Rent even when punctually paid, falls short considerably of the Interest of the money for which the Land wou'd sell—if his Lordship makes less Profit by his Leases, & suffers more from the abuses of waste, & the Destruction of Timber, than other Gentlemen upon the spot generally do—if He loses the quit-rent, & the casual Profits of Alienation-fines, & Escheats by reserving his Lands, a loss to w^{ch} Others are not subject—it wou'd seem that it wou'd redound more to his Benefit to sell, than retain them. It is true Land may rise in its value; but of that there is not a very near prospect to those who reflect what immense Tracts of Land are now to be settled in America in Consequence of our late Acquisitions, & that Land like every other Commodity is valuable, or not, in proportion to its Plenty, or scarcity & must rise very considerably indeed, in the Course of twenty years to compensate for the Loss of the

above Interest, the common quit-rent, the Alienation-fine & the chance of Escheats in the mean time.

I do not presume to recommend this scheme, or any Regulation of the manner in making Grants, I have only hinted what I imagine may be very well worth considering, if it shou'd be thought worth Notice, it might not be difficult to digest the whole into a methodical Plan & the means of carrying it into Execution might be pointed out.

The Affair of a Tax upon the Colonies is extremely delicate, the Extent of their Intercourse with Brittain depends upon their mutual Interests, they will be supplied with brittish Manufactures as long as they shall pay for them, & They will call for this supply as long as they shall find it more for their Interest to import, than set Them up in America. This is the Band of the Correspondence. Ev'ry shilling gained by the American Commerce hath centred in Brittain, & fallen into the Pockets of the brittish Merchants, Traders, Manufacturers, & Land-holders, & it may therefore be justly called the brittish Commerce. If their Commerce is contracted & rendred less profitable to the Americans, the Less they will have to lay out in Brittain & consequently the less will be the Importation of brittish Commodities. The less the Importation, the dearer will the Commodities be, & the dearer these become, the less will it be for the Interest of the Americans to be supplied through the old channell, & therefore the more will it be for their Interest to establish an interval Supply, for which they have ample Means in their power. Every Tax, or Burthen, however imposed, laid upon an American Consumer of any Commodity, will operate as effectually as a Bounty to encourage the making of it, the Saving of any given Sum being equal to the Receipt of it; but as you observe, this is a matter to be submitted to our great

Superiours, who I hope, understand the affairs, & connection of America with the Mother Country, much better than some of their Predecessors in high Office have done.

The Act of Parliament, prohibiting all further Emission of Paper in America, to be a Tender, in Payments, hath been published here.

The Currencies of the Colonies were under the Consideration of the House of Commons some years ago, & the late L^{d} Baltimore, who was then a Member, observed, that the paper money of Maryland being No Tender in discharge of Sterling Debts was not liable to the objection made to the other Currencies; & means, adequate to the End of sinking it, having been provided, it was not obnoxious to any just Censure. M^{r} Pelham was of the same Opinion & declared that our paper money Act was quite unexceptionable. Rich People have, I believe, made an Advantage of the Depretiation of our money, for They foresaw that it must, from the Stability of the Funds, regain its Credit, & therefore invested a good Deal of their property in this Kind of money; but the real Cause of the Depreciation was the method taken to put it into Circulation, for this purpose it was given away, & the old Proverb, Lightly come, Lightly go was strongly exemplifyed. Men who have the Command of money in Maryland, as well as in England will endeavour to make Advantage of it, & there is no preventing a little Stock-jobbing in the former any more than in the latter place.

You must have been misinformed with respect to the State of our Currency, the Circulation of it was limited by the Act, & therefore no Creditor was obliged to receive it in Payment, when the Debt was contracted in another Species, & it was limited, to prevent the Injury w^{ch} might arise to sterling Creditors, & especially to L^{d} Baltimore & the Merchants, &

therefore the Evil the Parliament intended to remedy by the late Act in the Article of Tender was not imputable to Our Paper money. We can no more do without the Circulation of paper in America, than you can in England, and therefore thô Acts of Parliament may prevent our emitting Bills of Credit under one Denomination, we shall have a paper Circulation under another, if not under a publick Law; it may be upon the Bottom of private Security. The old Course may be stopped, but a new Channell will be made. the Importation of english money is prohibited by Statute, & much more effectually by the Ballance of Trade being against us. The late Act of parliament respecting the Commerce of the Colonies, & the Cruizers upon our Coast, will obstruct the Trade of the Northern Provinces to that Degree, that the Importation of foreign money will be extremely diminished & we have been pretty well drained, by our Remittances, of spanish Silver. In about 18 months, or two years, 1800,000 Dollars have been remitted to England from Philadelphia alone. Some Medium of an internal Intercourse we must have, if our old one is demolish'd another will spring up in its place. So inventive is necessity, that it must ever prove an over match for volumes of Statutes—it is no sooner hunted down in one shape, than it assumes another.

It must be confessed, that there have been great Abuses committed in America, particularly Virginia, in their paper Emissions; but is the Limb to be at once amputated, before a milder Application is tryed, because a sore appears upon some part of it?

The wisest Legislators are often mistaken, the Parliament of England are often, very often, mistaken, even when the subject of their Deliberations is relative only to the internal Police of that Kingdom, w^{ch} it may be presumed, they have

understood, as well as the Affairs of America. The number of Additional, explanatory, Supplemental, contradictory, perplexed, & repugnant Laws, wch abundantly occur in the Statute-Books, irrefragably evince the Truth of the observation.

I have informed Mr Holliday by Letter, that if a Vacancy shou'd happen in my Time, your Recommention letter secured his Appointment to the Clerkship of Talbot County.

Some months after the Death of Ballen, one of the Comrs of the Loan Office, the Govr offer'd to appoint my Brother in his stead, wch he declined as some others had done before him. The accumulat'd Load of Business to be done, at this time, in the office, the very short Duration of the Commission, & the Expences of a Re-election were sufficient motives for what he did.

Mr Key, one of his Lordship's Council, died lately very wealthy. I have the Honour to be, with great Respect

Sr your most obedient
obliged humble Servt
Dant Dulany
10th September 1764—

P. S. Mr Brice the present clerk of Ann Arundel County, who is in a very infirm state of Health, hath applied to me, to appoint his Son in his place, & I expect will write to you upon the Subject. Others likewise under the same Circumstances have made a like Application. Your favour to Mr Tilghman hath been some Encouragement, I suppose, to these Applications. these are a kind of reversionery Appointments, & may be detrimental to my Successor, & therefore are really not quite fair. If the matter is left to me, I shou'd be rather backward in it, However if you shou'd be inclined to favour Mr Brice, or the others, your Recommendations shall have

their due weight. Mr Tilghman's wife is as I understand, a Relation to your Family, & his Life to all Appearance a good one, & therefore I recēd from him no other than a verbal Acknowledgement; but I shall take it for granted, unless you intimate the contrary, that Mr Brice's Case, shou'd you be inclined to have his Desire complied with, is very different.

SECRETARY CALVERT TO GOVERNOR SHARPE (?)

[Land Business. Boundaries. Licenses.]

London Jany the 16th 1765

Sir,

I have answer'd by former Letters some concerns of your Letters received from you, since August last, and now inclose you his Lordships Instructions to the main Points of your desires—The Instructions of the sale of the Manor Lands. The Purchase Money is from Opinion of Mr Daniel Dulany to my Lord, the Quit Rent proposed. Five shillings pro rata hundred Acres, as these Lands are picked Lands is judged moderate; if these propositions are Errors, yours and the Gentlemens Judgements will rectify here such Error, which you'l receive by return. The Instruction of the Alienation Fine is what the Proprietor will adhere to, as founded upon undoubted Equity his Due; A Tryal here before the Lord Chancellor would evince that. By intelligence from the Province, Mr Lloyd is accused of neglect of the Alienation Fine, in suffering the County Clerks omissions in Accots non-payment, this is easily rectifyed as the Provincial County

Courts where such matter must stand recorded can prove evidently the wrong if true? the Clerks deserve no favour, I have admonished Mr Lloyd thereon, when you meet, hint to him as from hence. The Instruction to Attornement of Tenants in the disputed Parts, the Equitable Terms must facilitate their attornement. The Limit Lines when compleated, by Petition of both Parties to the King will receive his Majesty's Authority as fixed Boundaries between Maryland and Pensilvania to each, as to Dominion. By your Letters of the Limits now running, the Messrs Mason and Dixon the Mathematical Surveyors have carry'd on their operations Quietly; I learn from you and them the Tangent Line twelve miles West the Circle round New Castle City is finished from the meridian Line South from Fenwick Island. My Compltş to them for their intelligence; and am Glad to hear of their health, and that the Swamps of Nanticoke River has not hurt their Constitutions. Their next operation is the North West Line between the Provinces; it is there his Lordships Gain will compensate his Loss by the Tangent Line at the Circle round Newcastle. That North West Line truly run, will give advantagious Territory to Maryland, therefore watching Eyes must trace that Line West to the farthest Limit as of Altitude, for a Line drawn to the Meridian Springhead of Potowmack River South, the South and West Boundary between Maryland and Virginia, according to the Flow of the River Potowmack. The Instns on behalf of Water Dulany I hope will suit, I Question? tis the Elder and Mr President Tasker that causes that favour. The Elders' Behaviour in the Upper House you Cite, surprizes me not, I am sensible Mr Comissary Bordley is check to him, but I suspect His Popularity, a character too often assumed to Controul Authority by the Gain of Applause, Vox Populi, and so by Reprehension of

Publick Actions, affect Popularity and Applause amongst the Multitude, by which they may have a Faction in the Commonwealth at their Devotion. If his Votary is Mr Franklin of Philadelphia that Mock Polititian is arrived here freighted with all Injury against his Chiefs who he is indebted to for Friendship, which his Affected Popularity renounces; he has unbudgeted at our Political Warehouse the Craft of his brain and of others his Dupes. Their false Machinery is flimsly and of Base Metal, is said refused at our Polemical Warehouse not sterling. The Quack Cheat cuts a Puff in his Chariot, Eats and well entertains with our delicases, the derision to his Dupes, he whispers, Complaints from Maryland, but as He has met with check about his Mission of others, tis apprehended he will not unbudget exparte folly, rather that he will pocket their coin, under pretences that at this time their Polemical Fantasisms will not ripen in this Climate. They had best remonstrate to his Lordship, or join in a Bill of allowing the Upr House equal expences to be paid with the Lower House for Tryal before the King. tis right the Upper House to frame such a Bill; if refused be it upon the Lower House—By this opportunity, you have an answer to the Queries on our Proprietary Government; and an answer to the remarks upon a Message sent by the Upr House to the Lower in Maryland in 1762, containing a defense of the Lord Proprietor and Vindication of the Upr House &c. the answer has only been circulated to our Ministry of the Cabinet, as answer to the Queries and Remarks secretly delivered to them; the answer is approved, if the adversaries pass silent other Publick notice here. all further Prohibition by the Defendant will rest; leaving it to your prudence the circulation of answer with you, as matter and motion Jumbles, My Name must be unnoticed.

The Instn of Mr Holyday, I wish Joy of his Lordships high favour to him as of the Council; I think he has real merit for that Station, and that he will be grateful to my Lord.

The Instn of the Lord Proprietor Assent to the several Acts of Assembly, you will observe, The Act, for the Relief of Creditors in England against Bankrupts—"who have imported Goods into the Province not accounted for;" that Act is not included by his Lordship among his List of Acts assented to by Him, Why? because he is not clear in opinion, but that the Traders here may have objection as not apprised of that Act; if no Objection arises, the Act as Enacted has its force, if Objection is, he thinks it right Policy to reserve to himself his Assent or Dissent. I observe the Legislator deals forth Acts, Indefinite and Perpetual, very Positive Words; such Laws ought to be pure as Gold; by Human, I fear, scarce any such Laws are, therefore much care about such words should be as they are Periods; all Plants are improved by Pruning.

I cannot at present relate about his Lordships Points to you, concerning the ordinary Licences &c. that matter laying before Mr Yorke, esteemed the chiefest Counsel at Law, his Eminency causes so much resort to him tis long 'er his opinion issues. The matter he had the beginning of Decr last, I expect daily his opinion from thence his Lordship will found his Resolutions on the Subject matter of Ordinary Licences, and as no Ship is yet for the Province, I am in hopes it will be inclosed in this Packet for you.

Tis Surprise the Lo. H. attempts upon the Proprietors Rights, sans complaisance, without any remonstrance to him to offer to pass a Bill on his Rights and for his signature, very familiar, to an Object of high Rank and Authority. I observe an Observation is marked; "He who hath a Right

to any thing is intitled to a remedy to recover of it, if withheld, Legal Right, and Legal Remedy being convertible Terms." If Institutes of our Laws report right, the Common Law and the Crown Law are not two different Laws; though almost in every case the Law for the King is not Law for the Subject. The King has his Prerogative in all things that are not injurious to his Subject, and under which head his Royal Charter hath Claim and Support. The Law as to Property and Suites I am not Lawyer to determine, but this seems, that the side observed against has Claims, the other side cannot have any Claim but by an Express Law. The late Lord had 1000£ of Tobacco for Licence of Ordinary in Maryland and 500£ of Tobacco for Licences in the Country, without retrospect back to Cæcilius Lord Baltimore, who if I am informed right, had two Thousand Pound Weight of Tobacco as Licences for Ordinaries, suppose the Penalties are acquiesced to as offer'd and expected.

I am Glad to observe this Instant, by the London Gazette Jany the 16th by Major General Gage to the Earl of Halifax New York the 13th of December last, advises, that the Regular and Provincial Troops under Colonel Bouquet having been joined by a Good-Body of Volunteers from Virginia and others from Maryland and Pennsylvania, March'd from Fort Pitt. The March of the Troops, threw the Savages in the greatest Consternation. They were told that they might have Peace, but every Prisoner must be delivered up. That they must appoint Deputies to go to S^{r} William Johnson to receive such Terms as should be imposed upon them. The Indian Nations submitted, and appointed their Deputies to go to S^{r} William, who concluded a Peace with them. Colonel Bouquet's Conduct is greatly applauded, and tis hoped a General Lasting Peace is concluded with all the Indian

Nations, who have taken up Arms against his Majesty. This is brave and Good News, and now all other animosities would cease, whose fault? But the British American rancour, which sends sort of Ambassadors to fix by their Calumny their disobedience to God, the King and to their Neighbour. Brag may be a Good Dog, but Hold fast a Better. The Mother Country will hold them fast.

I shall here drop all Polemical Matters, My hearty wish is that all Discord may be removed and that fair Dealings may lead to Quiet and happiness his Lordships wishes are Union and Equitable Proportions of things to him; he sends you his best Wishes and thanks for your Endeavours for his service and the Province and for which he holds you in high Estimation and Friendship.

I am with all respect and Esteem, Dear Sir

Yours most sincerely &c

CÆCIL^{S} CALVERT

Post Feby 9th inclosed is the Instns and his Lordps Letr abt Ordinary Licences & the Insns and Letr speaks fully in Point, I doubt its giving content, the suspending clause you have in yr Public Instns at any time to resort to. if the Instn is not complyed wth, you are clear off from Assent. the wrong measures and proceedings of the Colonies has brought on them here the 7th Inst a Bill upon ways and means, the House of Comons resolved that a Stamp Duty of 3d sterling charged on every skin of Parchment, Vellum on which shall be engrossed written or pointed any declaration &ca in any Court of Law within the British America. Last year the first stone was laid, this year another, and will be succeded by every Ministerial Builder untill the whole American structure of their folly is by the mother Country compleated on them. the

Comons was full, but not a Member agt a Taxation on them nor an Advocate that could or did offer a better scheme. The Maryland clause of no Taxation on that Province was Read and observed upon contained in its Charter. The Argument made use of that province upon Public emergency is subject in like manner with the rest of the Colonies, for if that Doctrine was to be admitted, the soveranity over that Province would cease, for as that province was in Protection under the Mother Country that Colony must pay for its defence pro rata, inter als. with the other colonies, that if objection was, why a Duty on its Staple of Tobacco and subject at present to several Acts already passed on all America, since the grant of that Charter. No advocate denyed the reasoning the whole House was silent in answer, the Marylanders may argue, their Tergiversations will not avail agt the Lex Parlamenti. the stamps are to be from hence, they must admit them and use them or their Deeds &ca will be in Law Null and Void. the Authority will stamp Evidence to their Actions and prevent forgery by alteration of Dates &ca

The Secy of States warrts agt Mr Wilke's was debated untill five in the morg in the Comons after all Debates the Majority was 30 a head of the Minority that as that affair was in the Lower Court of Law not determined the Comons voted no Issue with them on that affair until had determination issued by the Court of Law. Mr Franklyn charge des affairs from Pensilvania, resides and lives well at their cost and will I learn return them their rancour and folly to amend, he looks much down—Lord Byron has slain a Mr Chadworth in a Duel by what I learn fairly according the violent rules of Duelling, this causes a Tryal at Westr and averts malevolent Politicians at present in discourse. Italy and Bohemia has been to the French their Graves, alike is our West Indies to

us the British. all Quiet in Europe. Hemp and Flax is hoped from America to hang up our Rogues here who swam, the direful Effects of war.

(Copy)

FREDERICK LORD BALTIMORE TO GOVERNOR HORATIO SHARPE.

[Licenses. College.]

London Feb^{y} 7th 1765

Sir,

As the Welfare Prosperity and Due Administration of my Province of Maryland are always uppermost in my thoughts, the Proceedings of the two Houses of Assembly, (alike the Constitutional Guardians of the Rights of the Proprietor and People) are the source from whence I at all times derive and promise myself the greatest Satisfaction. What then must have been my Dissappointment, in seeing both Houses alike diverted, tho' from different Causes and Motives, from the true objects of their Deliberation and Attention; the one by a Spirit of Innovation, making repeated Attacks upon my Rights and Prerogatives; the other, by an Upright Zeal and Integrity, in defending me against avowed Encroachments, tho' Coloured with the most Plausible pretences. The true business of Legislation in the meantime stands still, and my Poor Tenants, as the Lower House very Justly observe, are burthened with expences, productive of no good to the Province, whilst a Spirit of Animosity and Resentment diffuses itself everywhere, and amongst all Orders of Men. The Affair of my Ordinary Licences &c is what I principally

allude to, and shall now explain myself upon. The Priviledge of Granting and Regulating them is the very Essence of my Prerogative, and such as every Lawyer in this Kingdom agrees I can never be divested of without my own Consent, which I shall most certainly never give. But the Lower House will say the Lord may Licence (tho' I think of late they have held a contrary Language) & we will appropriate. This the Upper House have denyed with equal zeal and force of Argument. I will not enter into the reasonings on either side; but when Concessions obtained from Generosity and Disinterestedness in the times of General War and Publick Calamities shall only lay a foundation to Claims by a Body of Men (who Constituting only one Branch of the Legislature, would assume to themselfs the Priviledges of the whole,) for further Concessions, when the same necessity's no longer exist, it is time for the Proprietor to look to himself. I am shure the Assembly cannot Licence an Individual of their own Authority, nor can they Dictate to me who I shall Licence, or whether I shall ever Grant a single Licence. Equally certain am I that the Regulation of Licences when Granted is as much out of their Province. But the Incidental Emoluments arising from the Licences, and not the Empty honor of Granting them, is the Object. Will they Deny that my Ancestors have at times recieved these Emoluments more or less? Will they Plead an uninterrupted Usage in the Assembly to apply them at pleasure without regard to the Proprietor? If the Claims of the Proprietor & Assembly have prevailed at different Periods, & neither Party can prescribe an uniform Usage in their favour, Are not such Claims to be decided in the Ordinary Methods by Mutual Concessions? Have they ever proposed to split and Divide the Bone of Contention? And, if they will not make me

advances, how can they expect any from me to them? The Upper House have founded my Claim upon Just Principles, that the Support of Government lyes upon me. But, say the Lower House, We Pay the Judges and not his Lordship. Let them be in earnest, and I will heartily Join Issue with them. Let a Bill be framed to appropriate even the whole of this Revenue (I had almost said) for the better Establishing & securing the Independency of the Judges, & for rendring the Office Worthy of the Acceptance of Men of the greatest Abilitys & Integritys in the Province, and they shall not want my concurrence. In this Tract they can scarce go greater lengths than I will wish to follow them. But I will be consistent with myself; I will still Insist upon my rights till I see proper Occasions to suspend them, and when those Occasions cease, I will again resume them. The Lower House will not seriously contend that their College Bill was of a Frame and Composition to induce a reluctant consent. But I will not Descend even to Criticise upon the Bill; it is a Compliment it does not deserve at my hands; the matter has unawares carried me into a Length I never intended, as this Letter was only Designed to Introduce to you an Instruction restraining your Assent to any Bill respecting my Licences without a suspending Clause. It is the result of the best opinions here, it will shorten and Cutt off all Disputes between the Two Houses. The Lower House will have an Opportunity of dispatching their ordinary Business without protracting their Session unnecessarily, or burthening my Tenants with unreasonable expences; The Upper House will be deliver'd from dissagreeable and unfruitful Altercations, and will avoid all the Imputations of Designing men. The Suspence being my Act will Transfer the Odium (if any) from you & the Council to myself; but in so doing My

Rights will be so far preserved, that my own Consent must precede the Abolition of them. If any Assembly and I shall still have the Misfortune to differ in Opinion, It is for our mutual happiness that the Decision will then devolve upon his Majesty and his Ministers, where I shall be always ready to Submit my Rights. In the mean time no Inconvenience can result to my Province from the Postponing of a Bill for Endowing a College, which was first thought of (when no other plausible Application occurred) in the second Century after my Grant, as a Popular & Subsisting Pretence, for continuing a Claim which the Restoration of Peace and Tranquility had left no longer a Pretence for. I mention this Bill as being the last attempt I have heard of, and what I expect again to hear of, thô by the Zeal and Activity of the Upper House Defeated or laid aside for the time.

I am

Sir

Your assured Friend &c

Copy F BALTIMORE

Post. I thank you for your rectitude of Conduct to Me and your endeavours of service to me and my Province

To his Excell^{y} Governor Sharpe Esq^{r} L^{t} Gov^{r} in Maryland, America.

SECRETARY CALVERT TO GOVERNOR SHARPE. (DRAFT.)

[Stamp Tax. Violation of Charter.]

Feb^{y} 26th 1765

Sir

The 16th of Jan^{y} & 9th of feb^{y} last, I wrote you fully on affairs, and inclosed you Lord Baltimore's Inst^{ns} and Let^{rs} concerning his Guidance to you. I don't expect according to the acrimonius temper infused by party and ill designing Men provincial Politics will subside and harmony prevail. The Levity of the sons and Party of those who were in the late Lord's Rule of Goverm^{t} still swiming on the Surface of Power cause disputes and differences. The same Levity presides here, but dwindled insignificant in this Sessions. De corpore Politico. I have lately rec^{d} y^{rs} the 15th of Dec^{r} as to the Election of representatives; heat has always been, and mistaken principles are too predominat to expect a happy choice in Maryland than is in the other Colonies. Their whimses has brought on them the Lex Parlamenti Last year, and this year the American Stamp Duty is passed the Comons by a Large Majority. Some American Agents offered memorials; a member read one from Virginia: it said was moderate. He did not deliver it to be lay'd on the Table of the House, for other Memorials were composed of inflamative texture that the House seem'd to carry resentment against the Doctrines and Arguments offered to be advanced; therefore with resolution rejected. The clause in our charter ag^{t} Taxation was read by the Grand Financer; he observed the clause could be of no availment ag^{t} the Soveraignity of Parliament, the Province

being under the Jurisdiction of Allegiance to the King as others were, and whose protection it rested upon. Says he, Acts of Parliament since Charles the second effects it and no Doubt, he did suppose no doctrine could be advanced under any colour to the contrary; if not why a Duty w^h^ had been Long subsisting on its Staple of Tobacco. I had taken pains to admonish some of the Chief Rank of Speakers of the Validity of that Clause, but my endeavours proved fruitless.

On the vacancy of Commissar Gen^l^ inclosed is his Lord^ps^ Instruction to fill up that vacancy with M^r^ Charles Goldsborough. His Lord^p^ rests of no doubt of his compliance to me as usual. I make no doubt but as yet have not heard from him. By the same Instruction is included your request on Behalf of M^r^ Hooper to be of the Council. My Lord is well pleased with the Appointments. M^r^ George Stuart is not fairly dealt with by Loss of his Election at Annapolis. The crudity of matters you must keep a watchful Eye upon by transmission by Authority to Bar ag^t^. M^r^ Franklyn stirs not as yet, he lays Quiet. May all Felicity attend you. with all Esteem

Y^rs^ truly

C C

Post the Executive part of the Goverm^t^ of the Isle of Man is by the parliam^t^ perchased of the Duke of Athol for 75000 Land 2000 p^r^ Ann: on the Irish Establishm^t^ during his Graces and his Dutchess Lives. This done to prevent smuggling to Great Britain and to and from her Colonies.

To Gov^r^ Sharpe

BENEDICT CALVERT TO SECRETARY CALVERT.

[Stamp Act. Personal matters.]

Dear Sir

Your kind Letter of the 16th of Janry I Receiv'd a few Days ago and am very sorry that you have been put to so much trouble in abolishing an Office that was so apparently a hurt to Trade. As for a riding Surveyor I have no objection in case they think it necessary; but if the person they appoint is of no greater use then the Surveyors they have here allready it will answer no End. We are a good deal allarm'd at the stamp Act, & I can't immagine where the different provinces will find the money to pay the Duty; I am certain we have not enough in Maryland to pay one years Tax. I have never yet heard how the Parliament got over My Lords Charter and why the ministry would suffer the prerogative of the Crown to be broke in upon. For the Kings Charters will be of little use when the Parliament will take away those privileges which His Majesty or his Ancestors has thought proper to grant as an Incouragement for the setling of a young Country. That our Mother Country is poor I firmly believe, and the distresses of the Colonies are such, that, I am sorry to say it, they are not able to relieve her. Our Trade is ruin'd, we are immensly in Debt, and not the least probability of our geting clear. Our goals are not half large enough to hold the Debtors, Upon every Road you ride you meet people going from different parts of the province to get out of the way of their Creditors, I can venture to say that the people of America were never in

such a distrest situation as they are at present. It gives me great concern that the Americans should be so imprudent as to give threats, as it can answer no End, but to Irritate the Parliament against us. As for my Affair with My Lord its very hard that he will not give me any satisfaction for my Right. I have now Eight Children and very probably shall have many more, such an Addition as the Manor would be considerable towards their future wellfare, and its very certain my fortune is such that I am not able to contend with his Lordship, as the Expences of a Law Sute would be more than I could well spare without throwing my family into the greatest distresses. I can't at present go to England as I have not got leave from the Commissioners of the Customs. I wrote to Mr Bacon some time ago and he promised to get me leave. I hope it will not be thought intruding upon your good nature in desiring when ever opportunity offers you will still continue your good Offices to me in recommending me to his Lordships favour, and I cant help flattering myself from his Lordships generosity & good nature when he comes to consider the largeness of my family but he will make it up to me. He has Two Manors in Frederick County at present but of little Value to him. If he would give me a grant of them I should be thankfull as I have three Boys it would be something for them, the youngest of which I have taken the Liberty to call after you. It would give me the greatest pleasure to have an Opportunity to pay my Compliments to you in person; but as I have not leave from the Custom house and the uncertainty of being able to do any thing for my family by going, I dispair of being able to Effect what your superior Interest can't do; so that I must defer seeing you for the present till their is a greater probability of success.

As I am affraid I have wore out your patience with the Length of my Letter shall conclude with beging the continuance of your friendship and to assure you that I shall allways have a greatfull Remembrance of the many many favours received at your hands & with the greatest respect I am

Dear Sir

Your Most Obliged & Very Humble Servt

Benedt Calvert.

Maryland Mount Airy
June 24th 1765.

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